

URBAN/MUNICIPAL

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1992

AGENDAS OF THE MEETING
OF THE COUNCIL OF
HAMILTON
Aug. 25/92 - Oct. 27/92

CAYON HBL AOS
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19.



J.J. SCHATZ
CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1992 August 25
7:30 o'clock p.m.
Council Chambers, City Hall**

AGENDA

1. Opening Prayer

Reverend Yu-Rak Kim
Korean United Church

2. Minutes

1992 July 28

3. Petitions and Correspondence

4. Reports of the Standing Committees

- (a) Transport and Environment Committee
- (b) Parks and Recreation Committee
- (c) Planning and Development Committee
- (e) Licensing Committee
- (h) Finance and Administration Committee

URBAN MUNICIPAL
AUG 26 1992
GOVERNMENT DOCUMENTS

5. **Notices of Motion for Next Meeting**
6. **First Reading of the Bills**
7. **Second Reading of the Bills - Committee of the Whole**
8. **Third Reading of the Bills**
9. **Question Period**
10. **Adjournment**

CORRESPONDENCE

Correspondence:

1. Memorandum dated 1992 August 19 from J. J. Schatz, City Clerk to Members of City Council regarding the Supplementary Clerk's Statement on Candidates Disclosure.

Recommendation: Be Received.

2. Letter dated 1992 August 5 from the Town of Kincardine respecting Public Sector Pension Funds.

Recommendation: Be Referred to the Finance and Administration Committee

3. Application dated 1992 August 4 from Robert J. Charko, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family Townhouses, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for 174 Ferguson Avenue South, Hamilton, Ontario.

Recommendation: Be Received.

4. Application dated 1992 July 29 from Ernie and Thom Schoenholz, Hamilton, Ontario for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at No. 719 Knox Avenue, Hamilton, Ontario.

Recommendation: Be Received.

5. Application dated 1992 August 4 from Elia Homes, 810379 Ontario Inc., Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District modified for property at No. 1324 Upper Sherman Avenue, Hamilton, Ontario.

Recommendation: Be Received.

6. Application dated 1992 August 5 from 603815 Ontario Inc., Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "HH" (Restricted Community Shopping and Commercial District modified for property at No. 1492 Upper James Street, Hamilton, Ontario.

Recommendation: Be Received.

7. Application dated 1992 August 5 from Peter Esposto, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for property at No. 9 Brantdale Avenue, Hamilton, Ontario.

Recommendation: Be Received.

8. Application dated 1992 August 9 from Mike Anderson, Hamilton, Ontario for a further modification to the "H" (Community Shopping and Commercial, etc.) District for No. 217 Cannon Street East, Hamilton, Ontario.

Recommendation: Be Received.

1.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Members of City Council

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk
Returning Officer

FROM:
OUR FILE:
PHONE: 546-2727

SUBJECT: SUPPLEMENTARY CLERK'S STATEMENT DATE: 1992 AUGUST 19
ON CANDIDATE'S DISCLOSURE

Please find attached the "Supplementary Clerk's Statement on Candidates Disclosure" respecting the 1991 Municipal Election as required by Section 132(9) of the Municipal Elections Act.

The Act requires that the "Supplementary Clerk's Statement" be submitted to "the Council of the municipality, school board or local board as the case may be".

The Statement reflects the status of candidate disclosures after the expiration of the time period to file candidate financial report forms. Registered candidates who have not filed the appropriate financial report form are in violation of Section 132 of the Municipal Elections Act and have been issued a Notice of Default.


Any registered candidate in default of Section 132 of the Municipal Elections Act if elected shall forfeit their office and any candidate whether elected or not elected, shall be ineligible to hold any office up to and including the next regular election.



The following registered candidates have not filed their financial statement and auditor's report, financial report or statutory declaration of their campaign contributions and expenses with the thirty day period:

Name of registered candidate	Office
Tyrone Childs	City of Hamilton Public School Trustee
Dennis Clark	City of Hamilton Public School Trustee
Ted Dodds	Alderman
Jeanette Easson	Alderman
Norm Files	Mayor
Chuck McPhail	Alderman
William Newton	Alderman
Robert Paul Robert	Mayor
William Robinson	City of Hamilton Public School Trustee
Thomax Sejgwick	Alderman
Gino Tittarelli	Hamilton-Wentworth Roman Catholic School Trustee
Tony Venneri	Hamilton-Wentworth Roman Catholic School Trustee
Timothy Yates	Alderman

I, Joseph J. Schatz, clerk of the municipality of the City of Hamilton hereby certify that the information submitted above is true and correct.



(signature of clerk)

August 19, 1992
(date)



Office of the Clerk-Administrator

RONALD R. SHAW, B.A., A.M.C.T., C.M.O.
707 QUEEN STREET
KINCARDINE, ONTARIO N2Z 1Z9
Tel: (519) 396-3018
Fax: (519) 396-8288

2.

File: 121 OMERS

August 5, 1992

Heads of Council
C/O Municipal Clerks
Ontario

Dear Sir/Madam:

RE: Public Sector Pension Funds

The Council for the Corporation of the Town of Kincardine wishes to express its concern over the recent announcement by the Government of Ontario, that it is considering utilizing public sector pension funds as an "investment pool" in order to provide financing for high growth businesses in Ontario.

Kincardine Town Council feels quite strongly that pensions funds are not public funds and should be treated as an income of an individual who happens to work for the public sector.

The attached motion is self-explanatory and clearly outlines the concerns of Kincardine Town Council. We would appreciate your Council giving its consideration to endorsing this motion and forwarding a copy to the Ontario Municipal Employees Retirement Board, and the Association of Municipalities of Ontario, and to your local member of the Legislative Assembly, and the leaders of the opposition parties.

Sincerely,

Ronald R. Shaw
Clerk-Administrator

RRS/rmg/rae.omers

OFFICE OF THE C

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REC. BY *es*

REF'D. TO

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REF'D. TO

ACTION: *TO CITY*

FOR REFERRAL

F&A C

July 23, 1992

Motion # 92- 306

Moved By: Norman Annetts

Seconded By: Stuart Mowry

WHEREAS the Province of Ontario has announced that public sector pension funds may be used as "investment pool" to make loans to prospective businesses;

AND WHEREAS participation in this fund by public sector pension plans is "voluntary";

AND WHEREAS while the proposal is now voluntary, there is no guarantee that the provincial government will not enact legislation to change participation to mandatory;

AND WHEREAS the Ontario Municipal Employees Retirement System , which is the pension fund for our municipal employees, is a well-managed and successful pension plan which has been carefully invested in order to provide adequate pensions for its contributors and their families;

NOW THEREFORE BE IT RESOLVED that the Council for The Corporation of the Town of Kincardine, on behalf of itself and its valued employees, strongly objects to this pension investment fund proposal in any form as these are funds which have been set aside for the future of our employees and in fact have formed part of our employees' compensation for many years;

FURTHER, that these funds should not be at the disposal of a political body who would have the power to invest these funds pursuant to party policy rather than in the best interests of the contributors;

AND FURTHER, that this resolution be forwarded to the Ontario Municipal Employees Retirement Board, to the Association of Municipalities of Ontario for endorsement at its annual meeting, to the Premier of Ontario, to our local member of Legislative Assembly, to the leaders of the opposition parties, and to all municipalities in Ontario.

M I N U T E S

Hamilton City Council
1992 July 28
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met.

Present: Mayor Robert M. Morrow

Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino,
Eisenberger, Jackson, Charters, Anderson, Ross, D'Amico.

Absent: Alderman Cooke - Vacation
Alderman Merling - Vacation

Pastor Vern O'Brien, Peoples Church Hamilton led Council in prayer.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Murray Aikman who served as a citizen member on the Hamilton Historical Board.

Mayor R. M. Morrow offered congratulations and presented civic silver pins to the Blessed Sacrament Minor Bantam Basketball Team for winning the 1991 and 1992 Provincial Championships.

* * * * *

The minutes of the regular meeting held 1992 June 30 and the special meeting of 1992 July 9 were adopted as circulated.

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Correspondence:

1. Letter dated 1992 July 2 from the Board of Education for the City of Hamilton regarding concerns of perceived problems relating to public safety.

Referred to the Transport and Environment Comm.

2. Resolution dated 1992 July 13 from the Corporation of the City of Burlington respecting LaSalle Park.

Referred to the Finance and Administration Committee.

3. Memorandum dated 1992 July 21 from J. J. Schatz, City Clerk to Members of City Council regarding the Clerk's Statement on Candidates Disclosure.

Received.

4. Memorandum dated 1992 July 28 from J. J. Schatz, City Clerk to Members of City Council regarding amendments to the original Clerk's Statement on Candidates Disclosure.

Received.

5. Application dated 1992 July 8 from Mr. and Mrs. Edmondo Ciardullo, Hamilton, Ontario for a modification to the established "AA" (Agricultural) District regulations for Block "1" and to the established "C" (Urban Protected Residential, etc.) District regulations for Block "2", for property located at Nos. 1468 and 1478 Upper James Street, Hamilton, Ontario.

Received.

6. Letter dated 1992 July 6 from J. J. Schatz, City Clerk respecting an objection to By-law 92-112 regarding property at 165 Burton Street, Hamilton, Ontario.

Received.

1992 July 28

7. Letter dated 1992 July 27 from Douglas R. Pollington, Past President of the International Association of Fire Chiefs respecting support for amendments to the Criminal Code and the Parole Act.

Referred to the Finance and Administration Committee.

8. Resolution from the Township of Tiny dated 1992 June 10 respecting restructuring of the Townships boundaries.

Referred to the Finance and Administration Committee.

9. Letter dated 1992 July 24 from Dennis Clark, Hamilton and District Labour Council C.L.C. respecting the elimination of a position at the Dundurn Castle Aviary.

Received.

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It was moved by Alderman Kiss and seconded by Alderman Copps that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee, and the Finance and Administration Committee be now considered in Committee of the Whole.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. - 15.

NAYS: -0.

CARRIED.

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PARKS AND RECREATION COMMITTEE - FOURTEENTH REPORT

Section 1 Re: Selling of beer - Stelco Slo-Pitch Tournament - Globe Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Anderson, Ross, D'Amico. -14.

NAYS: Alderman Jackson -1.

CARRIED.

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Section 7 Re: Artifact

Recorded vote.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. -14.

NAYS: Alderman Kiss. -1.

CARRIED.

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Section 8 Re: Mountain Skating Centre - building addition

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. -14.

NAYS: Alderman Copps -1.

CARRIED.

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Section 10 Re: Membership in Ontario Minor Hockey Association - Recreational House Leagues of the Hamilton Minor Hockey Council

It was moved by Alderman Jackson and seconded by Alderman Copps that Section 10 of the Fourteenth Report of the Parks and Recreation Committee be amended as follows:

1. That subsection (b) be amended by deleting the words "Department of Culture and Recreation" in the first line and substituting in lieu thereof the words "Parks and Recreation Committee".
2. That sub-section (c) be amended by adding the words "within two weeks" after the word "that" in the first line.
3. That Sub-section (d) be deleted. **CARRIED.**

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Section 11 Re: Hosting of the 1994 International Children's Games in Hamilton

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. -13.

NAYS: Alderman Copps -1. **CARRIED.**

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Section 13 Re: Feasibility and Needs Study for the East Hamilton Kiwanis Boys and Girls Club

Alderman Copps declared personal interest in, took no part in the debate and refrained from voting on the matter as she is a member of the Club.

PLANNING AND DEVELOPMENT COMMITTEE - THIRTEENTH REPORT

Section 8 Re: Zoning Application 91-83, Brusan Development Corporation - Upper Paradise Road and Rymal Road West.

Alderman D'Amico declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman D'Amico's father has a financial interest in the subject property.

* * * * *

Section 11 B Subsections (b) (d) and (h) Re: Zoning Application 90-40, Patran Holdings Limited, 45 Rifle Range Road

Recorded vote.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. -13.

NAYS: Aldermen Kiss, Copps. -2. **CARRIED.**

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Section 12 Re: Introduction of Bills - Bill C-84.

It was moved by Alderman McCulloch and seconded by Alderman Drury that Section 12 of the Thirteenth Report of the Planning and Development Committee be amended by adding subsection (l) as follows:

(l) **Bill C-84:** A By-law to amend Zoning By-law No. 6593 respecting lands located within the Block Bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue North (Carter Square)
CARRIED.

Section 12(i) Re: Bill C-81: Respecting 45 Rifle Range Road

Recorded vote.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Kiss. -1.

CARRIED.

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Section 13 Re: 1632 Upper Ottawa Street

It was moved by Alderman Drury and seconded by Alderman McCulloch that Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to consider a resolution regarding the repurchase of lands at 1632 Upper Ottawa Street.

CARRIED.

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It was moved by Alderman Drury and seconded by Alderman McCulloch that the Thirteenth Report of the Planning and Development Committee be amended by adding Section 13 as follows:

13. That the Corporation of the City of Hamilton repurchase the lands known as part of Lot 10 and part of Block 17 on Plan 62M-352, (1632 Upper Ottawa Street) being more particularly described as the north half of Part 1 and all of Part 5 on Plan 62R-8770 from Mercanti Management Inc., Peter Mercanti, Morris Mercanti, Moore and Davis Enterprises Inc. and Arthur Glenn Bryant, at a price of \$96,008.00 and said amount be charged to Account Number CH 5X307 00102 (Reserve - Property Purchases).

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - FOURTEENTH REPORT

Section 1(f) Re: Walkway/bicycle path - Hamilton Beach Neighbourhood Plan

It was moved by Alderman Anderson and seconded by Alderman Charters that Sub-Section (f) of Section 1 of the Fourteenth Report of the Planning and Development Committee be amended by adding the following thereto "and further that when the plan is developed for the walkway that provision be made to build a future bicycle path.

Recorded vote

YEAS: Aldermen Charters, Anderson, D'Amico, Ross. -4.

NAYS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson. -11. **LOST.**

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Section 1 Re: Hamilton Beach Neighbourhood Plan

Recorded vote on main motion.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. -15.

NAYS: -0. **CARRIED.**

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CITY OF HAMILTON LICENSING COMMITTEE - FIFTH REPORT

Section 2 Re: 44 Proctor Boulevard and 98 Sherman Avenue South

Alderman Drury declared personal interest in, took no part in the debate and refrained from voting. Alderman Drury lives within 200 feet of the subject properties.

FINANCE AND ADMINISTRATION COMMITTEE - FIFTEENTH REPORT

Section 4 Re: Karl Seifried - Civic Gold Ring for winning the Canadian National Handball Championships

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

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Section 5 Re: Hamilton Hoppers Skipping Team - Civic Silver Pins for 1992 Ontario Provincial Championships

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

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Section 7 Re: Electrical Trade Bargaining Agency of the Electrical Contractors Association of Ontario and The International Brotherhood of Electrical Workers and the I.B.E.W. Construction Council of Ontario - Schedule "B"

It was moved by Alderman Ross and seconded by Alderman D'Amico that Schedule "B" referred to in Section 7 of the Fifteenth Report of the Finance and Administration Committee be deleted and replaced with a new schedule. **CARRIED.**

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Section 9 Re: Union Gas Limited - Option to Purchase - Kinrade Avenue

Alderman Wilson declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Wilson's wife is an employee of Union Gas.

* * * * *

Section 14 (b) Re: Financing - Independent Concrete Sidewalk - Upper Wellington

It was moved by Alderman Ross and seconded by Alderman D'Amico that Section 14 (b) of the Fifteenth Report of the Finance and Administration Committee be amended by deleting the figure "\$23,440." in the fourth line and replacing it with the figure "\$25,588.80" and by deleting the figure "\$26,560." in the fifth line and replacing it with the figure "\$24,411.20". **CARRIED.**

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Section 20 Re: Playing of the National Anthem - Resolution from the City of Stoney Creek

It was moved by Mayor Morrow and seconded by Alderman Jackson that section 20 of the Fifteenth Report of the Finance and Administration Committee be amended by deleting the word "received" in the second line and substituting in lieu thereof the word "adopted". **CARRIED.**

Section 21 Re: Bell Canada - Regional Long Distance Telephone Charges - Resolution from the Town of Ancaster

Alderman Wilson declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Wilson is a shareholder in Bell Canada.

* * * * *

Section 22 Re: Bell Canada's Application to the Canadian Radio-Television and Telecommunications Commission for increases in local channel rates - Resolution from the Regional Municipality of Niagara.

Alderman Wilson declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Wilson is a shareholder in Bell Canada.

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Section 23 Re: Town of Capreol - Resolution on Criminal Justice System in Canada

It was moved by Alderman Jackson and seconded by Alderman Kiss that section 23 of the Fifteenth Report of the Finance and Administration Committee be amended by changing the words "received" in the preamble to "adopted and supported".

Recorded vote on amendment.

YEAS: Aldermen Kiss, Agostino, Jackson. -3.

NAYS: Mayor Morrow, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, D'Amico. -10. **LOST.**

Section 23 Re: Town of Capreol - Resolution on Criminal Justice System in Canada

Recorded vote on main motion.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, D'Amico. -12.

NAYS: Alderman Jackson -1. **CARRIED.**

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FINANCE AND ADMINISTRATION COMMITTEE - SIXTEENTH REPORT

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It was moved by Alderman Kiss and seconded by Alderman Copps that Alderman T. Anderson be appointed as Acting Mayor for the month of August, 1992.**CARRIED.**

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It was moved by Alderman Kiss and seconded by Alderman Copps that the Reports of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee and the Finance and Administration Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. - 15.

NAYS: -0. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the following Bills be now read a first time:

A-55, A-56, A-57, A-58, A-59, A-60, A-61.

B-3.

C-73, C-74, C-75, C-76, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84.

H-49, H-50.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. - 15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that Council move into Committee of the Whole to consider the following Bills, with Alderman Agro in the chair. (second reading).

A-55, A-56, A-57, A-58, A-59, A-60, A-61.

B-3.

C-73, C-74, C-75, C-76, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84.

H-49, H-50.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. - 15.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

Bill C-81: A By-law to Amend Zoning By-law No. 6593 respecting land located at Municipal No. 45 Rifle Range Road.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Kiss. -1.

CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Committee of the Whole on the following Bills, be adopted. -

A-55, A-56, A-57, A-58, A-59, A-60, A-61.

B-3.

C-73, C-74, C-75, C-76, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84.

H-49, H-50.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. -15.

NAYS: -0.

CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Copps that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-55, A-56, A-57, A-58, A-59, A-60, A-61.

B-3.

C-73, C-74, C-75, C-76, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84.

H-49, H-50.

1992 July 28

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico. -15.

NAYS: -0.

CARRIED.

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City Council then adjourned at 9:35 o'clock p.m.

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Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz
City Clerk

1992 July 28

1992 August 25

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **NINTH** Report for 1992 and respectfully recommends:

1. (a) That northbound traffic on Vespari Place be required to stop for eastbound and westbound traffic on Megna Court; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
2. (a) That northbound traffic on Donn Avenue be required to stop for eastbound and westbound traffic on Highridge Avenue; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
3. (a) That a "No Stopping" regulation be implemented on the east side of Toro Drive commencing at Greenhill Avenue and extending to a point 70 feet southerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
4. (a) That the second lane from the west curb on Nebo Road from 100 feet north of Rymal Road to Rymal Road be designated for left turns only; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
5. (a) That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the south side of Barton Street West between Ray Street North and Oxford Street; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.

6. (a) That a "No Stopping" regulation be implemented on the north side of Whitfield Avenue commencing at Gage Avenue North and extends to a point 72 feet westerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
7. (a) That a "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the north side of Biggar Avenue commencing at a point 457 feet east of Sherman Avenue and extending to a point 293 feet west of Lottridge Street; and
(b) That a "No Parking" regulation be implemented on the south side of Biggar Avenue commencing at Sherman Avenue and extending to Lottridge Street; and
(c) That the City Traffic By-law No. 89-72 be amended accordingly.
8. (a) That the existing "No Parking" regulation on the south side of Britannia Avenue between Ottawa Street North and London Street North be shortened such that the regulation commences at Ottawa Street North and extends to a point 235 feet easterly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
9. (a) That the existing "One Hour Parking Time Limit, 24 hours a day, 7 days a week" regulation on William Street between Barton Street East and Birge Street be removed; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
10. (a) That Rice Avenue between Mohawk Road West and Sanatorium Road be deleted from the through street system; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.

11.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Erie Avenue commencing at a point 337 feet south of Main Street East and extending to a point 20 feet southerly therefrom; and
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Bachman, No. 33 Erie Avenue; and
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
12. That the existing by-law entry allowing for the implementation of a reserved "Permit Parking" regulation on the west side of Greig Street commencing at a point 276 feet south of Barton Street and extending to a point 22 feet southerly therefrom, be rescinded.
13.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Weir Street North commencing at a point 57 feet south of Britannia Avenue and extending to a point 25 feet southerly therefrom; and
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Perks, No. 192 Weir Street North; and
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
14.
 - (a) That a "No Stopping" regulation be implemented on the south side of Arrowsmith Road commencing at a point 272 feet west of Centennial Parkway and extending to a point 111 feet westerly therefrom; and
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
15.
 - (a) That the McQuesten West, Delta East and Crown Point West Neighbourhoods be designated as Neighbourhood Watch Areas; and
 - (b) That Neighbourhood Watch Signs for the McQuesten West, Delta East and Crown Point West Neighbourhoods be erected and maintained by the City of Hamilton Traffic Department, as long as these neighbourhoods maintain an active Neighbourhood Watch Program as determined by the Regional Police Department; and
 - (c) That \$2,691.19 of the necessary funds be charged to Account No. CH55301 75030 (Neighbourhood Watch Program), and that the balance of \$1,321.31 be charged to Account No. CH56103 75420.

16. That the application of J. Darby, agent for the Trenholme Neighbourhood Park Association (35 Trenholme Crescent, Hamilton) to temporarily close Morningstar Court on Saturday, 1992 August 29 from 4:00 p.m. to 10:00 p.m. to hold a street dance and barbecue, be approved, subject to the following conditions:
- (a) That approval from Regional Police Services be received;
 - (b) That the standard liability provision that the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and holding the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss be waived and the City of Hamilton provide this standard insurance requirement;
 - (c) That all barricading, detour signing and traffic control be subject to the direction of Regional Police Services;
 - (d) That all barricading be supplied by and at the expense of the applicant;
 - (e) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant;
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

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17. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of J. DeVries, agent for the Reach Forth Ministries (1350 Garth Street, Unit 76, Hamilton, Ontario L9C 5V3) to temporarily close Hughson Street North between Simcoe Street and Macauley Street on Saturday, 1992 August 22 from 12:00 noon to 8:00 p.m. in order to hold a soap box derby, subject to the following conditions:
- (a) That approval from Regional Police Services be received;
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and holding the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Regional Police Services;
 - (d) That all barricading be supplied by and at the expense of the applicant;
 - (e) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant;
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

18. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the request of T. Miller, agent for Partner's Film Company (508 Church Street, Toronto) to close Glenfern Avenue between Fairmount and Kent on Wednesday, 1992 July 29 from 9:00 a.m. to 8:00 p.m. in order to film a television commercial, subject to the following conditions:
- (a) That approval from Regional Police Services be received for a complete closure;
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and holding the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;
 - (c) That all barricading, detour signing and traffic control be subject to the direction of Regional Police Services;
 - (d) That all barricading be supplied by and at the expense of the applicant;
 - (e) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services;
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (h) That all property owners and tenants along the closed portion of the route be notified of the closure by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

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19. That the application of M. Rodenburgh, agent for McMaster University Orientation Week (33 Kingsmount Street North, Hamilton), to temporarily close King Street West between Cline Avenue and Forsythe Avenue and Sterling Street from Forsythe Avenue to Cline Avenue, from 6:00 p.m. to 7:30 p.m. on Wednesday, 1992 September 9 be approved subject to the following conditions.
- (a) That approval from Regional Police Services be received;
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and holding the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;
 - (c) That all barricading, detour signing and traffic control be subject to the direction of Regional Police Services;
 - (d) That all barricading be supplied by and at the expense of the applicant;
 - (e) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant;
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

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20. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the request of J. Mouland, agent for Peter Kiewit and Sons (1315 Finch Avenue West, Downsview M3J 2G6) to close Chesley Street between Chester Street and Stone Church Road from Monday, 1992 August 10 to Friday, 1992 August 14 in order to make connections to existing sewer services, subject to the following conditions:
- (a) That approval from Regional Police Services be received for a complete closure;
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and holding the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;
 - (c) That all barricading, detour signing and traffic control be subject to the direction of Regional Police Services;
 - (d) That all barricading be supplied by and at the expense of the applicant;
 - (e) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services;
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (h) That all property owners and tenants along the closed portion of the route be notified of the closure by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

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21. That the applications of the following agents, to display promotional banners across Main Street West in front of City Hall on the following dates with the following messages, be approved:
- (a) G. Jackson (77 Dromore Crescent Hamilton), 1992 June 28 to July 5:
1ST COMMEMORATION BAHAI REVELATION
THE EARTH IS BUT ONE COUNTRY AND MANKIND ITS CITIZENS
 - (b) S. McLarty (12 Goldwin Street, Hamilton), 1993 July 26 to August 2
NATIONAL OLDTIMERS BASEBALL CHAMPIONSHIP
MOHAWK SPORTS PARK JULY 30, 31 - AUGUST 1, 2
 - (c) L. Robinson (55 York Boulevard, Hamilton) 1993 August 16 to August 23
CELEBRATE LITERACY
ADULT EDUCATION INFORMATION 527-2222
 - (d) D. Bowen (1 Bruce Park Drive, Hamilton) 1994 September 19 to 26
HAMILTON TELECARE 25 YEARS OF SERVICE
TROUBLED? UNSURE? LONELY? WE'RE ALWAYS THERE BECAUSE WE CARE
22. That the application of A. DeRubis, solicitor for the owner (F. Pullia, 198 Glennie Avenue, Hamilton, L8H 5W2) to erect and maintain an encroachment of a retaining wall measuring 1.00 feet x 75.00 feet x 2.5 feet on the Britannia Avenue Road allowance, be approved during the pleasure of City Council provided:
- (a) That the owner enter into an agreement satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement.
 - (c) That the owner pay a first year fee of \$240. for processing and registration and an annual fee of \$20. for this encroachment.

23. That the applications to retain inadvertent encroachments at the locations as outlined in Appendix "A" attached hereto, be approved during the pleasure of City Council provided:
- (a) That the owner enter into agreements satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.
 - (c) That the first year fee and subsequent annual fee as outlined in Appendix "A" be set for these encroachments.
24. (a) That a purchase order be issued to Fortran, Toronto, for the supply and delivery of 8 Phase Solid State Controllers @ \$6,060.39 and 4 Phase Solid State Controllers @ \$5,287.67 and 8 Phase Solid State Timers @ \$2,149.55 as and when required during 1992 for the Traffic Department being the lowest of three tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be financed through Traffic Signal Materials Account No. CH56152 75999.
- (b) As this material is required to be ordered as soon as possible due to the long delivery lead times, the above has been processed through the emergency procedure of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council".

25. (a) That the submitted schedules of works "AGRIGENTO GARDENS", HAMILTON, be adopted for inclusion in the Subdivision Agreement with the Owners for the estimated cost of:
- City's Share - \$6,632.46 Owner's Share - \$49,850.59
- (b) That approval of the above-noted clause be subject to the condition that no work has commenced on the installation of services except as provided for in sub-section (c) below.
- (c) That in the event the Owner's wish to proceed prior to the registration of the Final Reference Plan and the Modified Subdivision Agreement they should be allowed to do so at their own risk provided they enter into standard agreements with the City of Hamilton for pre-servicing.
- (d) That the City's share for services in "Agrigento Gardens" (\$6,632.46) be approved and that the Finance and Administration Committee recommend the source of funding for this project.
- (e) That the Commissioner of Transportation/Environmental Services be authorized and directed to prepare the necessary by-law(s) to establish Part 1 of a reference plan prepared by John P. Nouwens, O.L.S. as a public right-of-way in order to provide road access to the lands of Agrigento Gardens.
26. That upon registration of the Final Plan of Subdivision for "SANDRINA GARDENS - PHASE 1", Hamilton, in accordance with current City Policy, the Treasurer for the City of Hamilton be authorized and directed to financially compensate the Owners (DiCenzo Construction Company Limited) in the amount of \$122,600. for excess lands dedicated to the City for roadway purposes on Upper Gage Avenue which are beyond the maximum 26.0 metre width required by the City and that the Finance and Administration Committee recommend the source of funding.

27.
 - (a) That an Option to Purchase Agreement by the City, duly executed by the owner Caterina Battaglia on 1992 July 24 and scheduled for closing on or before 1992 November 30 for the lands and premises situated in the Regional Municipality of Hamilton-Wentworth, in the City of Hamilton, being composed of part of Lot 1, Concession 1, having a frontage of 30.48 metres (100 feet) more or less, along the southerly road limit of Rymal Road West, by a depth of 85.344 metres (280 feet) more or less, comprising a total area of 2,601.2 square metres (28,000 square feet) more or less, together with all structures erected thereon, more particularly described as No. 643 Rymal Road West and shown as Part 1 on Registered Plan 62R-7866, be approved and completed.
 - (b) That the Finance and Administration Committee recommend the method of financing the purchase price of \$330,000.
 - (c) That the Vendor be allowed a one-time thirty (30) day extension to the closing date at no cost should it be required.
 - (d) That as consideration in the amount of \$2. has been paid to the owner pursuant to the Agreement, this amount be deducted from the purchase price.
 - (e) That approval of the above recommendations (sub-sections (a) to (d)), the Property Department be authorized to proceed to acquire a parcel of land (approximately 10,000 square feet) from the property owner south of the lands outlined under sub-section (a) in order to finalize the road access to the Carpenter Neighbourhood.
28.
 - (a) That a four-way stop control be implemented at the intersection of Marion Avenue South and South Oval.
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
29. That the City request of the Ministry of the Environment, in conjunction with the Ministry of Labour and the Health Department to report back to the Transport and Environment Committee if the owner/operator of Upper Sherman Auto Collision (1094 Upper Sherman Avenue) is being allowed to reopen this operation.
30. That the City request the Board of Education for the City of Hamilton to provide a full explanation of the Board's reasons for the cancellation of transportation for students of grades 6, 7 and 8 living less than 2.4 kilometres (1.5 miles) from school.

31. That leave be granted to introduce the following Bills:

- (a) **Bill A-62** 1. By-law to Authorize the construction of local improvements without petition under Section 12 of the Local Improvement Act of sidewalks and curbs on Acadia Drive from Butler Drive to approximately 50 m southerly (west side only), as described in Schedule "A"; 2. The special assessment to pay a portion of the cost of the works by the abutting owners; 3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.
- (b) **Bill A-63** 1. By-law to Authorize the construction of local improvements without petition under Section 12 of the Local Improvement Act of roadway only on Acadia Drive from Butler Drive to approximately 50 m southerly as described in Schedule "A"; 2. The special assessment to pay a portion of the cost of the works by the abutting owners; 3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.
- (c) **Bill A-64** 1. By-law to Authorize the construction of local improvements without petition under Section 12 of the Local Improvement Act of sidewalks only on Acadia Drive from approximately 128 m south of Butler Drive to approximately 77 m southerly (west side only) as described in Schedule "A"; 2. The special assessment to pay a portion of the cost of the works by the abutting owners; 3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.

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- (d) **Bill A-65** 1. By-law to Authorize the construction of local improvements without petition under Section 12 of the Local Improvement Act of sidewalks and curbs on Beaverton Avenue from Upper Sherman Avenue to Acadia Drive (north side only), as described in Schedule "A"; 2. The special assessment to pay a portion of the cost of the works by the abutting owners; 3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.
- (e) **Bill A-66** By-law to Amend By-law No. 89-72 to Regulate Traffic
- (f) **Bill A-67** By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1992 August 17

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Appendix "A" as referred to in
Section 23 of the NINTH Report
of the Transport and Environment
Committee for 1992

Council Date: August 25, 1992

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>First Year/Annual</u>	<u>File Number</u>
153 James Street South	An Exhaust Fan encroaching 3.0 ft onto the Augusta Street road allowance	G. Sangha 153 James Street South Hamilton, Ontario L8B 1W2	\$112.00/20.00	T103-50(1008)
148 Duke Street	A Portion of Building measuring 2.51 ft X 44.0 ft. and a Bay Window measuring 0.12 ft X 4.5 ft. and a Veranda and Steps measuring 5.1 ft X 5.3 ft. and a Frame Garage measuring 12.0 ft X 4.5 ft. onto the Caroline Street road allowance and a Portion of a Retaining Wall measuring 1.0 ft X 1.57 ft. and Step measuring .80 ft X 3.20 ft. onto the Duke Street road allowance	James W. Hammond Barrister, Solicitor, Notary Public 152 James Street South Hamilton, Ontario L8P 3A2	\$112.00/20.00	T103-50 (997)
46 Breadalbane Street	Steps measuring 1.08 ft X 2.18 ft X 6.0 ft onto the road allowance of Breadalbane Street	John M. Dean 1 King Street West Suite 700 Hamilton, Ontario L8P 1A4	\$112.00/20.00	T103-50 (1009)

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **FIFTEENTH** Report for 1992 and respectfully recommends:

1. That approval be given to the Hamilton Restaurant Three Pitch League to operate a beer garden on the occasion of their Three-Pitch Tournament to be held at Globe Park on Sunday, 1992 September 6 subject to the following terms and conditions:
 - (a) That proof of \$2 million comprehensive general liability insurance for property damage and bodily injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the applicant assume responsibility for all labour-related costs as a result of this event.
2.
 - (a) That an "Agreement by Owner to Accept Compensation", to be executed by Nathan Lieberman and Samuel J. Sable (as former owners) and L & S Realty Company Limited (as purported Lessor) and Cannon Knitting Mills Limited (as tenant), and scheduled to close on or before 1992 August 30, for the lands and premises situated in the City of Hamilton, being composed of Parts 1 and 2 on Expropriation Plan 95902, subject to a right-of-way over Part 2 and together with a right-of-way over Part 3, known as No. 43 Elgin Street, Hamilton, having a frontage of 6.86 metres (22.5 feet) more or less, along the western limit of Elgin Street and contains an area of 589.08 square metres (6,341.0 square feet) more or less, be approved and completed and the compensation of \$172,085. be charged to Account No. CF5590 62865005 (Beasley Park Acquisition).
 - (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

1992 August 25

3. That the wording for the Terryberry plaque attached hereto as Appendix "A", be approved.

4. (a) That the Chedoke Ski area close on Mondays and Tuesdays only commencing the 1992 winter season.

(b) That the following Ski Tow rates be approved:

	Existing	Revised
Full Day		
Adult	\$ 9.	\$13.
Junior	\$ 8.	\$12.
Half Day		
Adult	\$ 7.	\$11.
Junior	\$ 6.	\$10.
Ski Packages		
Adult	\$64.	\$90.
Junior	\$42.	\$80.

(c) That the following Ski Tow package rates be approved as follows:

Chedoke Ski School	\$ 24. Adults/Youth \$ 18. Child
Chedoke Racing School	\$ 45. all participants
Hamilton Association for Disabled Skiers	\$1,000. flat fee

1992 August 25

5.
 - (a) That approval be given to enter into a contract with 877138 Ontario Inc. o/a Bud's Contracting for construction of the road and parking lot at Pier 4 Park and the sanitary sewer and storm sewer for Pier 4 and Harbourfront Parks. The contract amount will be \$445,361.82.
 - (b) That the amount of \$288,170.24 be funded from Account No. CF419154007 for Pier 4 Park and the amount of \$157,191.58 to be funded from Account No. CF419254003 for Harbourfront Park.
 - (c) That a contract satisfactory to the City Solicitor be entered into between the City and 877138 Ontario Inc. o/a Bud's Contracting of Stoney Creek.
 - (d) That the Mayor and the City Clerk execute the contract on behalf of the City.
6. That the Director of Public Works be authorized to submit an application to host the 1994 Ontario Parks Association Annual Conference and Annual General Meeting.
7.
 - (a) That an Offer to Purchase, executed by DiCenzo Construction Limited (A. DiCenzo) on 1992 July 21 and scheduled for closing on or before 1992 November 9, for the purchase of part of the property at 1389 Upper James Street, shown as Parts 6 and 8 on Plan 62R-11790, containing 477.8 square metres (5,143.16 square feet) and 43.7 square metres (470.39 square feet) respectively be approved and completed.
 - (b) That in lieu of cash payment for this 0.129 acre parcel of land, the City of Hamilton will accept 0.129 acre of land from the 1.897 acres parkland credit of DiCenzo Construction Company Limited in Ryckman's Neighbourhood, leaving a parkland credit of 1.768 acres to be used by the DiCenzo Construction Company Limited in future subdivisions in this neighbourhood.
 - (c) That the Subdivision Administrator of the Roads Department be directed to deduct this 0.129 acre from the existing parkland credit of DiCenzo Construction Company Limited in the Ryckman's Neighbourhood.
8. That the Constitution attached hereto as Appendix "B", for the Friends of the Children's Museum, be approved.

1992 August 25

9. That the Grounds Use Policy for Whitehern grounds dated 1992 July, attached hereto as Appendix "C", be approved.
10.
 - (a) That the action of the Parks and Recreation Committee be approved in granting the "Friends of Cari Can Festival" group permission to sell alcoholic beverages in Eastwood Arena on 1992 August 22 in conjunction with the Steel Band Afternoon Program and Evening Dance to be held in Eastwood Park and Arena subject to the normal conditions of the Special Events guidelines.
 - (b) That \$2 million public liability for bodily injury and property damage insurance be provided naming the City as co-insured.
 - (c) That the "Friends of Cari Can Festival" provide the City of Hamilton the sum of \$4,000. prior to the Saturday, 1992 August 22 event to cover the anticipated City-related costs for this event.
11. That the curator and the curatorial assistant of the Hamilton Military Museum be authorized to accept the invitation to attend the 180th Anniversary of the Re-enactment of the Borodino Battle (1992 September 4 to September 10) in Russia and the opening of the Borodino Museum Exhibit.
12.
 - (a) That the Chief Administrative Officer and the Director of Culture and Recreation be directed to work with the Kinsmen Club of Hamilton and the Regional Conservation Authority to secure the \$10,000. funding required to complete the playground facility for disabled children at Confederation Park.
 - (b) That subject to the required funds not being secured from the Regional Conservation Authority, the Director of Culture and Recreation be directed to place the required funding of \$10,000. in the 1993 portion of the 1993 - 1998 Capital Budget Submission.

Respectfully Submitted,

ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

Kevin C. Christenson, Secretary

1992 August 18

Appendix "A" as referred to in
Section 3 of the FIFTEENTH Report
of the Parks and Recreation
Committee for 1992

WILLIAM TERRYBERRY (1779-1847)

Since 1812, the name Terryberry has been associated with this section of Mohawk Road West. Having immigrated to the province of Upper Canada from the state of New Jersey, Terryberry purchased land along Concessions 6 and 7 in the Township of Barton.

Between 1791 and 1793, the Mohawk Road was a primary transportation route between the capital of Upper Canada at Newark (Niagara-on-the-Lake) and the thriving settlement at Ancaster. The road continued to provide an important link between Ancaster and the Niagara peninsula even after the capital of Upper Canada was removed to York (Toronto). In 1815, Terryberry took advantage of his farm's prime location along the road by constructing a two and one-half story frame structure for use as an inn.

The Terryberry Inn was a popular stage coach hotel for travellers along the Mohawk Road. It also served as a local community meeting place, being used for dances and other special gatherings. On May 4, 1816, the first public meeting of the voters of Gore District took place at the Terryberry Inn.

Appendix "B" as referred to in
Section 8 of the FIFTEENTH Report
of the Parks and Recreation
Committee for 1992

FRIENDS OF THE HAMILTON CHILDREN'S MUSEUM

CONSTITUTION

- Purpose:** The Friends of the Hamilton Children's Museum, hereinafter called the Friends, is a voluntary organization endorsed by City Council and operating under the auspices of the City of Hamilton and the Department of Culture and Recreation and the guidance of the Hamilton Historical Board, hereinafter referred to as the HHBd., to support, foster and develop The Hamilton Children's Museum as a hands-on participatory and interactive site, where children of all ages discover the rich heritage of the world around them. The Friends will act in accordance with the Volunteer Policy of the Museums of the City of Hamilton.
- Objectives:**
- to promote and act in accordance with the Museum Statement of Purpose,
 - to establish and develop a Friends of the Hamilton Children's Museum membership,
 - to raise funds to be used by the museum,
 - to act as an advocacy group in the interest of the museum
 - to participate in the formation of the long range development plan for the Hamilton Children's Museum with the goal of realizing an expanded facility
- Amendments:** Since the objectives of The Friends can be expected to evolve as the Hamilton Children's Museum grows, this constitution may require amendment. Such amendments shall be recommended to the general membership at the time of the Annual General Meeting. If approved by two-thirds of the membership, the amendments shall be submitted to the HHBd. for recommendation to Parks and Recreation Committee and City Council and shall come into force following their approval.
- Executive Committee:** The Executive Committee shall consist of a President, a Past-President, a Vice President, a Secretary-Treasurer and four members-at-large. Five members of the Executive Committee shall constitute a Quorum for voting, however, in the first year four members of the Executive Committee will constitute a quorum. If a vote is tied then the President will cast a deciding vote.
- Terms of Office:** All terms of office will be for one year. Elections for the Executive Committee will take place at the Annual General Meeting by a majority vote of the membership.
- Role of Staff:** The Curator or designate will act as a resource person for the Executive Committee, all standing and Ad Hoc committees.

Committees:	Membership to Standing Committees will be established at the Annual General Meeting by vote. Ad Hoc committees may be established by the Executive Committee as required. All committees report to the Annual General Meeting and in the interim to the Executive Committee.
Steering Committee:	<p>A Steering Committee will be established with the sole purpose of guiding the development of The Friends. A sub-committee of the Steering Committee, including members of the Executive Committee may be formed to undertake fund-raising activities. The Steering Committee will not actively fund raise. A work plan of activities will be forwarded to the HHBd. for recommendation to Parks and Recreation Committee and City Council.</p> <p>Following the first Annual General Meeting, in the spring of 1993, the Steering Committee will cease to exist. Its activities shall be assumed by the Executive Committee.</p>
Relationships:	The Friends will operate under the Volunteer Policy of the City of Hamilton Museums. Staff will advise and act as a resource to the Executive Committee. The Executive Committee will utilize representation from the HHBd. and report to the Board on a quarterly basis. The committees of The Friends may use the Hamilton Children's Museum logo for communications with the approval of the Executive Committee and the Curator. The Friends shall make written annual reports to the HHBd.
Meetings:	<p>Committees of The Friends will normally meet once a month throughout the year.</p> <p>The <u>Annual General Meeting</u> will be held in the spring of each year, at which time all Standing and Ad Hoc committees of The Friends shall present reports on their activities.</p>
By-laws:	By-laws shall be established or amended by the Membership subject to subsequent approval from the HHBd., Parks and Recreation Committee and City Council. By-laws may be introduced, revised, altered or amended only upon written notice being mailed to the membership at least thirty (30) days prior to the Annual General Meeting or special meeting called for such purpose. A two-thirds vote of the membership present shall be required to establish, amend any by-law.
Membership:	Membership in The Friends shall be available to anyone interested in The Hamilton Children's Museum. Membership will be acknowledged upon receipt of application and fee in accordance with the By-laws of The Friends. Details of membership fees and categories will be established in the By-laws.

Finances:

The Friends shall be financially self-supporting. Operating funds may be generated from: membership fees; fundraising activities; special grants (i.e. governmental or foundation) as may become available. Funds raised for capital and special projects shall be kept in separate accounts by the City of Hamilton.

The fiscal year shall be January 1 to December 31. An annual financial statement shall be submitted to the next Annual General Meeting for approval and, once approved, to the HHBd.

Appendix "C" as referred to in
Section 9 of the FIFTEENTH Report
of the Parks and Recreation
Committee for 1992

GROUND USE POLICY WHITEHERN

PREAMBLE

National Heritage Significance

In 1991 Whitehern, including its garden, was recognized nationally as a site of historic and architectural significance by the National Historic Sites and Monuments Board.

Whitehern is an historic site/museum owned and operated by the Corporation of the City of Hamilton.

The site serves citizens and visitors of Hamilton by collecting, preserving, researching, exhibiting and interpreting artifacts and documentation relating to the McQuesten family. Originally the residence of three generations of the McQuesten family from 1852-1968, the site was opened as a museum in 1971. The house, stable and garden, as well as personal documents, possessions, and furnishings have been kept intact, allowing an accurate presentation of family life as it evolved over a century.

The grounds of Whitehern (0.8 acres) are an integral part of the Historic Site. The garden evolved over three generations of McQuesten residency, and the present lay-out was developed by landscape architect H.B. Dunington-Grubb for the last generation in the 1930's. It includes authentic structures, decorative artifacts and original plant material which are preserved, researched, maintained and interpreted as per the terms of the McQuesten bequest.

SITE CHRONOLOGY

In 1848, the two storey stone dwelling (later known as Whitehern) was built in St. George's Ward, Maiden Lane (later known as Jackson Street West), on the one acre property at lots 83, 84, 85, 100, 101, and 102, for R. O. Duggan.

In 1852, Dr. Calvin McQuesten purchased the property from R.O. Duggan and used it as his residence.

After the death of Dr. Calvin in 1885, the property was bequeathed to Dr. Calvin's son Isaac McQuesten.

Mary McQuesten inherited the house following the death of her husband Isaac in 1888.

In the 1920's, 50 feet of the south property was sold to allow for the T.H. & B railway overpass. The property size was thus diminished to 0.8 acre.

The surviving children of Mary and Isaac McQuesten, Calvin, Mary, Hilda, Thomas and Margaret, inherited the house following the death of their mother Mary McQuesten in 1934.

In 1959, Mary, Hilda and Rev. Calvin McQuesten made an agreement to leave their property "Whitehern" in trust to the Board of Park Management of the City of Hamilton which was to take effect after their deaths as there were no other direct heirs. The agreement stipulated that the grounds and house be preserved intact and be opened to the public "as a period piece" and as a memorial to their grandfather, Dr. Calvin McQuesten, and brother, Thomas Baker McQuesten, who were notable for their many contributions to public service.

Rev. Calvin McQuesten, the last surviving member of the family, died on August 2, 1968 and Whitehern became the property of the Board of Park Management.

1968-1971, Whitehern was restored by the City of Hamilton at a cost of \$79,000.00.

August 14, 1971, Whitehern was opened to the public as an historic site.

RECOGNITION

Thomas Baker McQuesten, responsible for the establishment of the Royal Botanical Gardens and numerous City of Hamilton parks, hired one of Canada's most prominent landscape architects, H. B. Dunington-Grubb, to make the most recent modifications to Whitehern's gardens in the 1930's.

H. B. Dunington-Grubb's designs, including the Rainbow bridge gardens and Oakes Garden Theatre (Niagara Falls), Sunken Gardens (McMaster University), Juvenile Court and University Avenue (Toronto), are important landmarks in Canada's Gardening Heritage. Although, the designs of H. B. Dunington-Grubb are kept within the archives of the University of Guelph, his Whitehern project, featuring a sunken garden, summer house and flagstone paths, is among the best preserved examples of his work.

Whitehern is a documented site, preserved intact complete with original furnishings and documentation. The gardens of Whitehern are fundamental to the historical integrity and understanding of the site. As with the house and furnishings, the evolution of the gardens, from utilitarian uses (fruit and vegetable garden, laundry yard, chicken coop, stable and carriage house) to recreational purposes (decorative ornaments, decorative flower beds, ornamental shrubs and trees), is documented with photographs, letters and garden journals kept by the three generations of McQuestens from the mid-Victorian to the post World War II era. Preservation of the gardens and documentation, as per the McQuesten agreement, allows a unique record of the changing domestic lifestyle as Victorian families entered the twentieth century.

GROUND'S USE POLICY - WHITEHERN

Whitehern and its surrounding gardens comprise an important heritage resource at the local, provincial and national levels. Therefore the conservation of this resource must be at the forefront of any decision about appropriate use of the site. As well, the historic public role of the site as a place for passive recreational and educational pursuits, and quiet enjoyment by museum and garden visitors must be respected.

- The gardens are available to museum patrons as an essential part of the Whitehern tour. They provide the setting for a variety of tours, programmes and special events which are organized as a part of the museum's scheduled programme and serve to enhance the understanding and appreciation of the site. Due to the size of the grounds and their overall historic sensitivity all programmes and special events must be organized in conjunction with the programmes of the museum. Maximum number at any given time should not exceed 200.

The grounds are also available for passive recreational activities by non-museum patrons, such as walking and sitting, with the provision that such activities do not threaten the heritage characteristics of the site, do not interfere with museum programming, and do not infringe on the quiet enjoyment of the site by other visitors.

All visitors to the grounds must observe the laws, regulations and requirements for the use of City parks, including all by-laws.

- Digging without permission is forbidden through by-laws relating to City parks. As a result of the historic and archaeological significance of Whitehern no digging, peg or stake driving, or soil disturbance is permitted unless permission has been granted and archaeological concerns have been mitigated by curatorial staff of the Cultural division of the Department of Culture and Recreation.
- Parking is not available at the Whitehern site. Public metered parking, available at City Hall, may be used.

STILL PHOTOGRAPHY AND FILMING

Still photography or filming for non-commercial purposes is permitted provided that it does not infringe on the enjoyment of the site by other visitors.

Wedding photography requires the procurement of a permit. An application for a permit must be submitted to the Department of Culture and Recreation 30 days in advance, in order for a permit to be issued. Furthermore, the following regulations, in addition to those mentioned above, are applicable to wedding photography:

- Wedding photography is permitted on the northwest lawn and south garden areas. Wedding groups are not permitted to congregate on pathways, at museum entrances and the front steps.
- Use of confetti, rice or similar material is prohibited.
- Set-up is limited to camera and tripod. Chairs, tables, extension cords and other equipment or props are not allowed.
- The number in wedding groups is not to exceed 20 people.

Revised
July 27, 1992

In 1987, James Haaf a student of the University of Guelph Horticulture Programme, completed a historical study of the Whitehern Gardens as they evolved from 1852-1940.

The gardens, attracting numerous horticulturalists, students of landscape architecture, and general visitors, are the focus of Garden Tour programmes annually.

The gardens as well as the house have been designated in 1977 under the Ontario Heritage Act, and have been plaqued by the Archaeological and Historic Sites Board, Department of Public Records and Archives of Ontario in 1971, and, notified of receiving a plaque of national significance by the Historic Sites and Monuments Board of Canada in 1991. The latter expressed the site as "set in a rare walled garden and enriched by its interior decoration, Whitehern is a remarkably intact example of mid-nineteenth century residential architecture."

1992 August 25

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTEENTH** Report for 1992 and respectfully recommends:

1. That Section 13 of the First Report for 1990 of the Planning and Development Committee approved by City Council on January 30, 1990, be modified as follows:

- (a) That a new Clause (ii) be added as follows:

- "(ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (i) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly and southerly lot lines; and,

- (ii) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the westerly and southerly lot lines."

- (b) That the subsequent Clauses be renumbered accordingly.

- (c) That the new Clause (v) (presently Clause (iv)) be modified by adding the following to the end:

"Further, that portion of the proposed east-west road located adjacent to and south of the subject lands be deleted and designated "Single and Double Residential".

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2. A. That the City of Hamilton:
- (a) supports the concept of allowing an additional unit "as-of-right" in residential districts provided the following standards are met:
 - (i) the additional unit shall be restricted to single-family dwellings only;
 - (ii) the minimum unit size shall be 65 m²;
 - (iii) the additional unit shall not be permitted in a cellar;
 - (iv) the parking standards are: 1 space per unit up to 2 units; 1.33 space for each unit for 3 units and 1.25 spaces per unit for four or more units;
 - (v) the use of tandem parking and on-street parking not be considered as means of meeting the parking standards; and,
 - (vi) the minimum ceiling height should be 2.1 m
 - (b) requests the Province to clarify the terms "unit", and "street allowance";
 - (c) requests the Province to clarify, that if units are permitted below grade, what standards (i.e. Health By-law, Residential Rental Standards By-law) will be used to determine which units are acceptable;
 - (d) requests the Province to clarify the legislation with respect to parking so as to ensure the City has the right to continue implementing roadway parking restrictions notwithstanding it may restrict additional units from being provided; to continue to allow the City to define the size of a parking space; and to allow the City to determine the appropriate on-street parking standard;
 - (e) supports the additional powers of entry for municipal officials;
 - (f) requests the Province to explore all legal (i.e. legal agreements) and planning (i.e. setbacks, etc.) implications of "garden suites" (granny flats) before introducing legislation to permit them as temporary uses;
 - (g) does not object to the clarification of the legislation dealing with unrelated people forming a single housekeeping unit provided it does

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not affect the City's ability to regulate such uses as lodging houses, rooming houses, boarding houses, group homes, residential and short term care facilities;

- (h) reaffirms its 1991 June 25 request to the Province;
 - (i) to fund a Pilot project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis;
 - (ii) to increase the allocation of non-profit and coop units to the City of Hamilton;
 - (iii) to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected; and,
 - (iv) to amend the Planning Act to clearly define "use" to include vacant units

B. That the City Clerk be requested to notify the Ministers of Housing and Municipal Affairs of City Council's decision and the report dealing with the proposed Provincial regulations for Apartments in Houses be forwarded to the Province for information.

- 3. That the Planning Department staff be directed to proceed with the recommendations to implement the Housing Intensification Strategy, including the holding of public meetings under the Planning Act.
- 4. That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 1680 Upper Ottawa Street, Hamilton from the construction covenants to the City as contained in Instrument Numbers 195566 L.T. and 195567 L.T., registered on 1987 March 3.
- 5. That an Expropriation By-law to expropriate, for municipal purposes, vacant land described as Part of Lots 11 and 12, Registered Plan 547, designated as Part 5; Part of Lot 12, Registered Plan 547, designated as Part 2; and Part of Reserve, Registered Plan 547, designated as Part 4; all on Plan 62R-10273, be enacted by Council.

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6. (a) That the City of Hamilton accept the sum of forty thousand one hundred and eighty dollars (\$40,180) as cash payment in lieu of the 5% land dedication in connection with Claudette Gardens - Phase 1, Hamilton, this being the cash payment required under Section 50 of the Planning Act.
- (b) The lands of Claudette Gardens - Phase 1 are located on the west side of Garth Street north of Rymal Road West in the Falkirk East Planning Neighbourhood.
7. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of seven hundred and forty six (\$746) be approved by Helen Meldrum, 153 Bell Avenue, Hamilton. The interest rate will be 8 percent amortized over 5 years.
8. That the Mayor be authorized and directed to express to the Minister of Culture and Communications the concerns of the City of Hamilton about recent changes in the Designated Property Grant Programme approval process. The programme is highly valued in the Heritage Community. Previously, grant commitments were made by the municipality as soon as applications were completed. Now, applications must wait through the summer for late September approval by the Ministry, thus jeopardizing this normally seasonal exterior work. Also, funding levels have dropped.
9. That the Building Department, Loans Division, be directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of three thousand dollars (\$3,000) for Mr. Kopriva, owner of 233-235 Locke Street North.
10. That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of one thousand, one hundred and fifty dollars (\$1,150) for Ms. H. Kirkpatrick and Mr. T. Baker, owners of 256-258 MacNab Street North.
11. That the Building Department, Loans Division, be directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of one thousand, eight hundred and thirty five dollars (\$1,835) for Mr. Stacy, owner of 33 Undermount Avenue.
12. (a) That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of two thousand, four hundred and eight dollars (\$2,408) for Mr. Masniak, owner of 188 Markland Street.

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- (b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Mr. Masniak, owner of 188 Markland Street, in the amount of two thousand, four hundred and seven (\$2,407) at 6% interest amortized over a ten year period.
- 13.
 - (a) That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of three thousand (\$3,000) for Mr. and Mrs. Rigby, owners of 74 George Street.
 - (b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Mr. and Mrs. Rigby, owners of 74 George Street, in the amount of three thousand, three hundred and twelve dollars (\$3,312) at 6% interest amortized over a ten year period.
- 14.
 - (a) That the Building Department, Loans Division, be directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of five hundred and forty-nine dollars (\$549) for Mrs. Janet Snelgrove, owner of 107 George Street.
 - (b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Mrs. Janet Snelgrove, owner of 107 George Street, in the amount of five hundred and forty-eight dollars (\$548) at 6% interest amortized over a ten year period. The total Community Trust Fund loan is now \$6,299.
- 15.
 - (a) That the Building Department, Loans Division, be directed to apply to the Province of Ontario on behalf of the owners Mr. and Mrs. J. Miller, 988 Concession Street, for a Designated Property Grant in the amount of six thousand dollars (\$6,000) for the years 1992 and 1993. Note, normally the maximum grant in any one year is three thousand dollars (\$3,000) but the Province has agreed to commit two years of grant because of the nature of the work.
 - (b) That the Building Department, Loans Division, be directed to process a Heritage Trust Fund Loan to Mr. and Mrs. J. Miller, 988 Concession Street in the amount of fifteen thousand dollars (\$15,000) at 6% interest amortized over 10 years.

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16. That the Planning and Development Committee and City Council apply to the Province of Ontario for a Designated Property Grant for 221 Ferguson Avenue South on behalf of the owner, I. Dreimanis, in the amount of four hundred and fifty dollars (\$450).
17. That the Building Commissioner be authorized to issue demolition permits to the following properties:
 - (a) 1143 Upper James Street
 - (b) 480 Rymal Road West
 - (c) 1158 Garth Street
 - (d) 1176 Garth Street
 - (e) 1112 Upper Wentworth Street
 - (f) 1117 Upper Wentworth Street
 - (g) 1118 Upper Wentworth Street
 - (h) 1128 Upper Wentworth Street
 - (i) 1129 Upper Wentworth Street
18. That Item 17 of the Fourth Report for 1992 of the Planning and Development Committee approved by City Council on 1992 February 25th, respecting Zoning Application ZA-91-77 for the property at 55 Lancing Drive, map attached hereto as Appendix "A" be amended as follows:
 - (a) That clause (B) regarding parking provisions be deleted and replaced with the following new clause:
 - (B) That the amending By-law not be forwarded for passage by City Council until the applicant has completed the required works in accordance with DA-89-02 to the satisfaction of the Building Commissioner.
19. That Section 16 of the Sixth Report for 1990 of the Planning and Development Committee as approved by City Council at its meeting of Tuesday, 1990 March 13th, regarding the Definition of Townhouse Dwelling be amended on the following basis:
 - (a) that Subsection (f) be deleted in its entirety and the following Subsections be renumbered accordingly.

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20. (a) That a by-law to remove part-lot control from the lots and blocks of land in the Edan Heights, Phase 2 plan of subdivision, 62M-705, be enacted by Council.
- (b) That following enactment of the by-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse same on the by-law.
21. A. That the City Clerk be directed to advise Hamilton-Wentworth Region that the City of Hamilton:
- (a) endorses the modifications to Official Plan Amendment No. 80 to the City's Official Plan as proposed by the Region (Appendix "B") except for Modification No. 9;
- (b) requests that Modification No. 9 be further modified as follows:
- delete Clause (ii) of Policy C.4.9 and replace with:
- "ensure that, where remedial actions plans are required by the Ministry of the Environment, no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed. In this regard, Council will utilize means such as Site Plan Approval, the "H" (Holding zone provisions), etc., as a means to prohibit development;"
- (c) requests a new Modification 14 be introduced as follows:
- Item 19 be modified by deleting the preamble of Subsection 5 - General Land Use Provisions and replacing it with the following:
- "It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies and institutions that are permitted "as-of-right", or without locational restriction throughout the City, with the exception of lands designated Escarpment Natural Area or Escarpment Protection Area as shown on Schedule "B" as Special Policy Area "1A" and "1B" wherein such uses must be in accordance with the Permitted Uses as set out in Section A.2.9.1 and the Development Criteria of the Niagara Escarpment Plan. In addition, there are certain uses which

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are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City."

- (d) the modifications and land use changes as proposed by the Hamilton Harbour Commissioners' in their letter of 1992 May 27 (Appendix "C") cannot be supported.
- B. The City Clerk be requested to forward a copy of this report to the Region and the Ministry of Natural Resources for their information.
- 22. A. That City Council endorse the Official Plan policies and modifications to Schedule "B" - Special Policy Areas contained in the draft Order Made Under The Niagara Escarpment Planning and Development Act, attached hereto and marked Appendix "D";
- B. That staff of the Local Planning Branch initiate discussions with the Niagara Escarpment Commission, the Ministry of Municipal Affairs and the Ministry of the Environment to prepare zoning by-laws that will replace the development control system administered by the Niagara Escarpment Commission for lands designated Escarpment Protection and Urban in the Niagara Escarpment Plan; and,
- C. That the Region of Hamilton-Wentworth, the Niagara Escarpment Commission, the Minister of Municipal Affairs and the Minister of the Environment be advised of:
 - (a) City Council's endorsement of the Official Plan policies and modifications to Schedule "B" - Special Policy Areas in regard to the Niagara Escarpment Plan conformity exercise; and,
 - (b) The intent of the City of Hamilton to develop zoning by-laws to replace the development control system administered by the Niagara Escarpment Commission for lands designated Escarpment Protection and Urban in the Niagara Escarpment Plan.

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23. That approval be given to Site Plan Control Application DA-92-27 to amend DA-9167 by Taba Developments Ltd., owner of the lands at the south-east corner of Upper Ottawa and Stone Church Road East for an office, industrial and commercial development subject to the following:
- (a) incorporation of the approved plans in a Site Plan Agreement, to be registered on title to indicate the condominium lines/dividing lines of property;
 - (b) approval from the Committee of Adjustment for the following variances:
 - (i) a 0.0 m southerly side yard for Building "C" where a 6.0 m side yard is required;
 - (ii) a 0.0 m northerly side yard for Building "D" where a 6.0 m side yard is required;
 - (iii) a 6.0 m front yard setback for the ground sign where 11.4 m is required;
 - (iv) provision of the manoeuvring space for 9 parking spaces for Phase II (Buildings B & C) over Phase I (Buildings D and E) where it should be provided on the same lot.
 - (c) provision of a right-of-way for the southerly driveway for the portion located on the adjoining lands known as 1453 Upper Ottawa Street.
24. That once a Property Standards By-Law Order to Comply (to be issued) becomes final and binding, the Building Commissioner be authorized to call tenders and proceed to have the work completed to bring the subject dwelling into compliance with the City of Hamilton Property Standards By-law 74-74 as amended. Cost not to exceed twenty five thousand dollars (\$25,000).
25. That the total outstanding Ontario Home Renewal Programme loan for Mrs. D. Ebert, 102 Ivon Avenue, Hamilton, in the amount of five hundred and eighty-two dollars and nineteen cents (\$582.19) be placed on the Tax Rolls.
26. That the total outstanding Ontario Home Renewal Programme loan for Mrs. E. Barbieri, 83 Simcoe Street East, Hamilton, in the amount of two thousand and twenty four dollars and eighty one cents (\$2,024.81) be placed on the Tax Rolls.

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27.
 - (a) That the application of the Hamilton-Halton Builders' Association for a reduction of permit fees prescribed under By-law 85-86 for the N.E.A.T. house at 2 Westlawn Drive be approved.
 - (b) That the City Solicitor be directed to prepare an amendment to By-law 85-86 exempting the property at 2 Westlawn Drive from payment of permit fees, as prescribed, under Section 16 of the By-law.
28. That approval be given to Zoning Application 92-29, The Hamilton Society for the Prevention of Cruelty to Animals, prospective owner, for a change in zoning from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified (Block "1"), and for a modification to the "M-13" (Prestige Industrial) District, (Block "2"), to permit an animal shelter, on property located at 235 to 265 Dartnall Road, as shown on the attached map marked as Appendix "E", on the following basis:
 - (a) That Block "1" be rezoned from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District;
 - (b) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 17E(1)(b) of Zoning By-law No. 6593, an animal shelter shall be permitted; and,
 - (ii) That notwithstanding Section 17E(2)(b)(ii) of Zoning By-law No. 6593, a minimum set back of 10.0 m shall be provided and maintained for every building and structure from TransCanada Pipelines right-of-way;
 - (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1280, and that the subject lands on Zoning District Map E-69E be notated S-1280;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-69E for presentation to City Council; and,
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

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29. A. That approval be given to Official Plan Amendment No. 117 to redesignate lands municipally known as 1630 Upper Gage Avenue from "Residential" to "Commercial", and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to Zoning Application 92-18, Shell Canada Products Limited, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "2"), to permit a car wash or lube shop on property located at 1630 Upper Gage Avenue, as shown on the attached map marked as Appendix "F", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (c) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 14A(1) of By-law No. 6593, only the following commercial uses shall be permitted:
 - (a) a mechanical car wash; or,
 - (b) a lubrication services for motor vehicles.
 - (2) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines;
 - (3) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.

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- (d) That Clauses (b) and (c) of Section 3 of By-law No. 91-128 be amended by deleting the words "northerly and" and by changing the word "lines" to "line" in the third line thereof;
 - (e) That the amending By-law be added to Section 19B of Zoning By-law 6593, as Schedule S-1284, and that the subject lands on Zoning District Map E-38D be notated S-1284;
 - (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
 - (g) That the proposed change in zoning will be in conformity with the Official Plan for Hamilton Planning Area upon approval of Official Plan Amendment No. 117 by the Regional Municipality of Hamilton-Wentworth; and,
 - (h) That the Eleanor Neighbourhood Plan be amended to redesignate the subject lands from "Attached Housing" to "Commercial".
30. A. That approval be given to Official Plan Amendment No. 116 to redesignate lands from "Residential" to "Commercial" for lands located at the south-east corner of Upper Wentworth Street and Stone Church Road East, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to amended Zoning Application 88-129, T. Valeri Construction Limited, owner, for a change in zoning from "E-2" (Multiple Dwellings) District to "G-4" (Designed Neighbourhood Shopping Area) District modified, to permit a shopping centre, for property located at the south-east corner of Stone Church Road East and Upper Wentworth Street, as shown on the attached map marked as Appendix "G", on the following basis:
- (a) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as set out under Section 13D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13D(1)B of By-law No. 6593, only the following commercial uses shall be permitted:

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- (1) retail grocery store;
 - (2) retail drug store;
 - (3) retail stationer;
 - (4) retail bakery or confectionary store;
 - (5) barbershop, hairdressing establishment or beauty parlour;
 - (6) retail hardware store;
 - (7) shoe repair shop;
 - (8) collecting and distributing station for a laundry or dry cleaner;
 - (9) retail dry goods store or a retail women's or men's clothing store;
 - (10) bank;
 - (11) offices for medical or dental practitioners;
 - (12) offices for use by insurance agents, lawyers, auditors or realtors;
 - (13) a photographer's studio except a motion picture studio;
 - (14) a commercial lending library; and,
 - (15) signs in accordance with Clause (xvii) of Section 13D(1)B.
- (ii) That Section 13D(5) of By-law No. 6593 shall not apply;
 - (iii) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the lot lines adjacent to the residential districts to the east and south; and,
 - (iv) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the lot lines adjacent to the residential districts to the east and south.

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- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S-1283, and that the subject lands on Zoning District Map E-27C be notated S-1283;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
 - (d) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 116 by the Regional Municipality of Hamilton-Wentworth; and,
 - (e) That the Butler Neighbourhood Plan be amended to redesignate the subject lands from "Medium Density Apartments" to "Commercial".
- C. That any Site Plan submitted for the subject lands be reviewed with the area residents prior to approval.
31. That approval be given to Option 2 to permit limited residential, commercial, public and institutional uses within the existing buildings, as detailed in the Upper James Street Land Use Review (Appendix "H") (distributed to Council under separate cover), for the west side of Upper James Street between Wembley and South Bend Roads (674 to 712 Upper James Street).
32. A. That the following By-laws be repealed in their entirety:
- (a) By-law No. 87-68 (Official Plan Amendment No. 49) - 678 Upper James Street
 - (b) By-law No. 87-221 (ZA 86-51) - 678 Upper James Street
 - (c) By-law No. 87-222 (Site Plan Control) - 678 Upper James Street
 - (d) By-law No. 90-304 (Official Plan Amendment No. 93) - 694-696 Upper James Street
 - (e) By-law No. 90-312 (ZA 88-124) - 694-696 Upper James Street
 - (f) By-law No. 90-313 (Site Plan Control) - 694-696 Upper James Street
 - (g) By-law No. 90- 305 (Official Plan Amendment No. 94) - 710 Upper James Street
 - (h) By-law No. 90-314 (ZA 88-124) - 712 Upper James Street
 - (i) By-law No. 90-315 (Site Plan Control) - 712 Upper James Street

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- B. That approval be given to Official Plan Amendment No. 115 for a redesignation from Residential to Commercial on Schedule "A" and the creation of a "Special Policy Area" on Schedule "B", for the lands on the west side of Upper James Street between Wembley and South Bend Roads (674 to 712 Upper James Street), as shown on the attached map marked as Appendix "I" and the City Solicitor be directed to prepare a By-law for submission to the Regional Municipality of Hamilton-Wentworth
- C. That approval be given to City Initiative 92-D, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit limited residential, commercial, public and institutional uses within the existing buildings, for properties located on the west side of Upper James Street between Wembley and South Bend Roads (676 to 712 Upper James Street), as shown on the attached map marked as Appendix "J", on the following basis:
- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. to the lands located on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street), by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit redevelopment of the subject lands until the applicant/owner has applied for and received approval of a Site Plan.
 - (b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H"- 'H' (Community Shopping and Commercial, etc. - Holding) District;
 - (c) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14(1) of Zoning By-law No. 6593, only the following uses shall be permitted within the buildings existing at the date of the passing of this by-law:

Residential

 - (1) single-family dwelling;

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- (2) one dwelling unit in the same building with a permitted commercial use.

Commercial

- (3) business or professional person's offices;
- (4) photographer's or artist's studio but not including a motion picture studio;
- (5) barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
- (6) retail store selling:
 - (i) wearing apparel and accessories;
 - (ii) furniture, home furnishings, appliances;
 - (iii) antiques;
 - (iv) books and stationary;
 - (v) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
 - (vi) cameras and photographic supplies;
 - (vii) jewellery;
 - (viii) flowers, plants and like goods sold or offered for sale by a florist;
 - (ix) sale and dispensing of optical goods;
 - (x) computer sales and service; and,
 - (xi) musical instruments sales and service;
- (7) photocopy service;
- (8) retail drug store;
- (9) food store;
- (10) retail variety store;
- (11) showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker, shop for the sale of plumbing supplies or fixtures, or a pet shop; and,

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- (12) commercial lending library or art gallery.

Institutional

- (13) day nursery.

Public

- (14) library; and,

- (15) art gallery.

Accessory Use

- (16) a wall, ground or projecting sign that complies with the following requirements:

- (i) no sign shall exceed 1.2 metres in vertical dimension or 2.2 square metres in area; and,

- (ii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

- (ii) No extensions or enlargements of the buildings existing at the date of the passing of the By-law shall be permitted.

- (iii) Notwithstanding Sections 14(2) and (3) of Zoning By-law No. 6593, the following regulations shall apply to the development of lots vacant at the date of the passing of this by-law:

- (1) no building shall exceed 2.0 storeys in height;

- (2) a front yard depth of at least 4.5 meters;

- (3) a side yard along each side lot line of a width of at least 1.2 metres; and;

- (4) a rear yard of a depth of at least 7.5 metres.

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- (iv) In the event that the existing building is destroyed or demolished, it may be replaced only with a building with the same external dimensions and floor area as the building which it replaces and subject to the uses as set out in iiii) above and the regulations set out in iiic) above.
- (v) A visual barrier not less than 1.2 meters high and not more than 2.0 meters high; and a minimum 1.5 meter wide landscaped planting strip shall be provided and maintained along the entire westerly lot line.
- (vi) All lighting facilities at the rear of the properties shall be installed and maintained so as to ensure that the light is directed away from all adjacent residential uses.
- (vii) Notwithstanding Section 18A(1) of Zoning By-law No. 6593, the following parking requirements shall be provided and maintained:
 - (1) One space for each dwelling unit;
 - (2) One space for every 19 m² of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);
 - (3) One space for every 6 children for day nurseries; and,
 - (4) One space for every 31 m² of floor area for all other permitted uses.
 - (5) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule A, and the subject lands on Zoning District Map W-8 be notated S- 1281;
 - (6) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-8 for presentation to City Council; and,
 - (7) That the proposed zoning change will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 115 by the Regional Municipality of Hamilton-Wentworth.

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- D. That Site Plan Control By-law 79-275, as amended by By-law 87-223, be amended by adding the lands on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street);
 - E. That the Development Guidelines contained in this Report be adopted.
33. A. That approval be given to Zoning Application 92-26, Jung Y. Mah, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for property located at 674 Upper James Street, as shown on the attached map marked as Appendix "K", on the following basis:
- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 14 (1) of Zoning By-law No. 6593, only the following uses shall be permitted within the building existing at the date of passing of this by-law:
 - (1) Residential Uses:
 - (a) Single-family dwelling;
 - (b) One dwelling unit in the same building with a permitted commercial use.
 - (2) Commercial Use:
 - (a) Medical offices (including doctor, dentist, chiropractor, osteopath, drugless practitioner).
 - (3) Accessory Use:
 - (a) A wall, ground or projecting sign that complies with the following requirements:

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- (i) no sign shall exceed 1.2 meters in vertical dimension or 2.2 square metres in area; and,
 - (ii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
- (ii) No extensions or enlargements of the building existing at the date of the passing of the By-law shall be permitted;
- (iii) Notwithstanding Section 18A(1) of Zoning By-law No. 6593, the following parking requirements shall be provided and maintained:
 - (a) one space for each dwelling unit;
 - (b) one space for every 19 m² of floor area for medical offices (including doctor, dentist, chiropractor, osteopath, drugless practitioner);
- (iv) Sections 18A(11)(a),(b) and (12)(a) of Zoning By-law No. 6593 shall not apply;
- (v) Notwithstanding Section 18A(8) of Zoning By-law No. 6593, one of the four parallel parking spaces located along the southerly side lot line may have dimensions not less than 2.5 metres wide and 6.3 metres long;
- (vi) A landscaped strip not less than 1.5 metres in width shall be provided and maintained along the entire westerly lot line where the building has been converted to a commercial use;
- (vii) A visual barrier not less than 1.2 metres in height and not greater than 2.0 metres in height shall be provided and maintained along the entire southerly and westerly lot lines where the building has been converted to a commercial use;
- (viii) All lighting facilities at the rear of the property shall be so installed and maintained as to ensure that the light is deflected away from all adjacent residential uses;

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- (ix) In the event that the existing building is destroyed or demolished, it may be replaced only by a building having the same external dimensions as the building which it replaces and the replacement building shall not have more than two storeys plus a basement, and shall only be used for the uses set out in i) above.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1282, and that the subject lands on Zoning District Map W-8 be notated S-1282;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-8 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That By-law No. 79-275, as amended by By-law No. 87-223 be amended by adding the subject lands to Schedule "A".
- C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan.
- D. That Official Plan Amendment No. 101, adopted by By-law 91-170 passed by City Council on September 24, 1991, be repealed.
- E. That Item 20 of the 12th Report of the Planning and Development Committee as adopted by City Council at its meeting of August 27, 1991, be rescinded in its entirety.
- 34. A. That approval be given to Official Plan Amendment No. 114 to amend Schedule "B" to delete the area of the East Mountain Industrial-Business Park; to create a new Schedule "B-3" for the East Mountain Industrial-Business Park; to establish a new Special Policy Area 11a to be contained on Schedules "B" and "B-3"; to amend the relevant policies relating to the introduction of a new Schedule "B-3"; to amend the relevant Policies to permit offices and home improvement uses within the "M-12" and "M-13" Districts; and to rename the "East-Mountain Industrial Park" to the "East Mountain Industrial-Business Park", and the City Solicitor be directed to prepare a by-

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law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

- B. That approval be given to City Initiative 91-A to provide for a general text amendment to the "M" (Prestige Industrial) District regulations, by deleting and adding permitted uses, by amending the accessory uses, by amending the landscape and side yard requirements in the "M-11" (Prestige Industrial) District, and by amending the sign regulations, for the properties located in the East Mountain Industrial-Business Park, 408 Cumberland Avenue and 467 Charlton Avenue East, as shown on the attached maps marked as Appendix "L" and Appendix "M", on the following basis:

- (a) That Sections 17C, 17D, 17E, 17F and 17G of Zoning By-law No. 6593, be amended by deleting Table 2 - Public Uses, Table 4 - Commercial Uses and Table 5 - Industrial Uses, and substituting Appendices "N", "O" and "P" attached hereto, therefor;
- (b) That Sections 17C, 17D, 17E, 17F and 17G of Zoning By-law No. 6593, Table 1 - Residential Uses and Table 3 - Institutional Uses be amended by deleting the SIC identification numbers;
- (c) That Sections 17C(1)(d), 17D(1)(d), 17E(1)(e), 17F(1)(d) and 17G(1)(d) be repealed in their entirety and replaced with the following:

"Accessory Uses as follows:

- (i) Any accessory building, structure or use customarily ancillary to any of the uses not prohibited.
 - (ii) A dwelling unit not exceeding 83.5 square metres of gross floor area which is necessary for maintenance staff for an industrial use.
 - (iv) Ground sign, wall sign, roof sign."
- (d) That Sections 17C(2)(h)4. and 17D(2)(h)4. be amended by adding the words "except for Lawn and Garden Centres" to the end of the clauses so that the clauses shall read as follows:

"The total area used for storage outside of a building or structure shall not exceed 5% of the lot area, except for Lawn and Garden Centres."

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(e) That Sections 17C(3)5.(i), 17D(3)5.(i), 17E(3)5.(i), 17F(3)5.(i), and 17G(3)5.(i) be deleted in their entirety and the subsequent subclauses be appropriately renumbered.

(f) That a new Clause be added to Section 17C as follows:

"17C(3)6.(i) Notwithstanding subclause 2(2)J.(xxvi), no ground sign shall be located less than 6.0 m from the front lot line.

(ii) Notwithstanding Clause i) above, no ground sign shall be located less than 12.0 m from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."

(g) That a new Clause be added to Section 17D as follows:

"17D(3)6.(i) Notwithstanding subclause 2(2)J.(xxvi), no ground sign shall be located less than 6.0 m from the front lot line.

(ii) Notwithstanding Clause i) above, no ground sign shall be located less than 12.0 m from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."

(h) That a new Clause be added to Section 17E as follows:

"17E(3)6.(i) Notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line.

(ii) Notwithstanding Clause i) above, no ground sign shall be located less than 6.0 m from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."

(i) That a new Clause be added to Section 17F as follows:

"17F(3)6.(i) Notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line.

1992 August 25

- (ii) Notwithstanding Clause i) above, no ground sign shall be located less than 6.0 m from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."
- (j) That a new Clause be added to Section 17G as follows:
 - "17G(3)6.(i) Notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line.
 - (ii) Notwithstanding Clause i) above, no ground sign shall be located less than 6.0 m from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."
- (k) That Section 17C(2)(b)1.(ii) be amended by adding the words "Side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except" to the beginning of the subclause so that it shall read as follows:

"Side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres."
- (l) That Section 17C(e)1.(i) be amended by adding the words "except for the area used for access driveways," to the beginning of the subclause so that it shall read as follows:

"except for the area used for access driveways, a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line;"
- (m) That Section 17C(e)1.(ii) be amended by adding the words "except for the area used for access driveways;" to the end of the subclause so that it shall read as follows:

"where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line, except for the area used for access driveways;"

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- (n) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council;
- (o) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 114 by the Regional Municipality of Hamilton-Wentworth; and,
- (p) That the "Mountain Industrial Park" Plan be renamed to the "East Mountain Industrial-Business Park" Approved Plan.

35. That leave be granted to introduce the following Bills:

- (a) Bill C-85 A By-law to repeal By-law No. 88-275 to adopt Official Plan Amendment No. 62 respecting the Hamilton Beach and Confederation Park located between Lake Ontario, The City of Stoney Creek, Gray's Road, The Queen Elizabeth Way and The Burlington Canal
- (b) Bill C-86 A By-law to adopt Official Plan Amendment No. 113 respecting lands located between the Burlington Canal, Gray's Road, Lake Ontario and the Queen Elizabeth Way, within the Hamilton Beach and Confederation Park Neighbourhoods
- (c) Bill C-87 A By-law to expropriate lands that do not conform with By-laws passed under Section 34 of the Planning Act, S.O. 1983, Chapter 1
- (d) Bill C-88 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 84-34 respecting land located at Municipal No. 209 Limeridge Road East
- (e) Bill C-89 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 81-20 respecting Home Occupation

1992 August 25

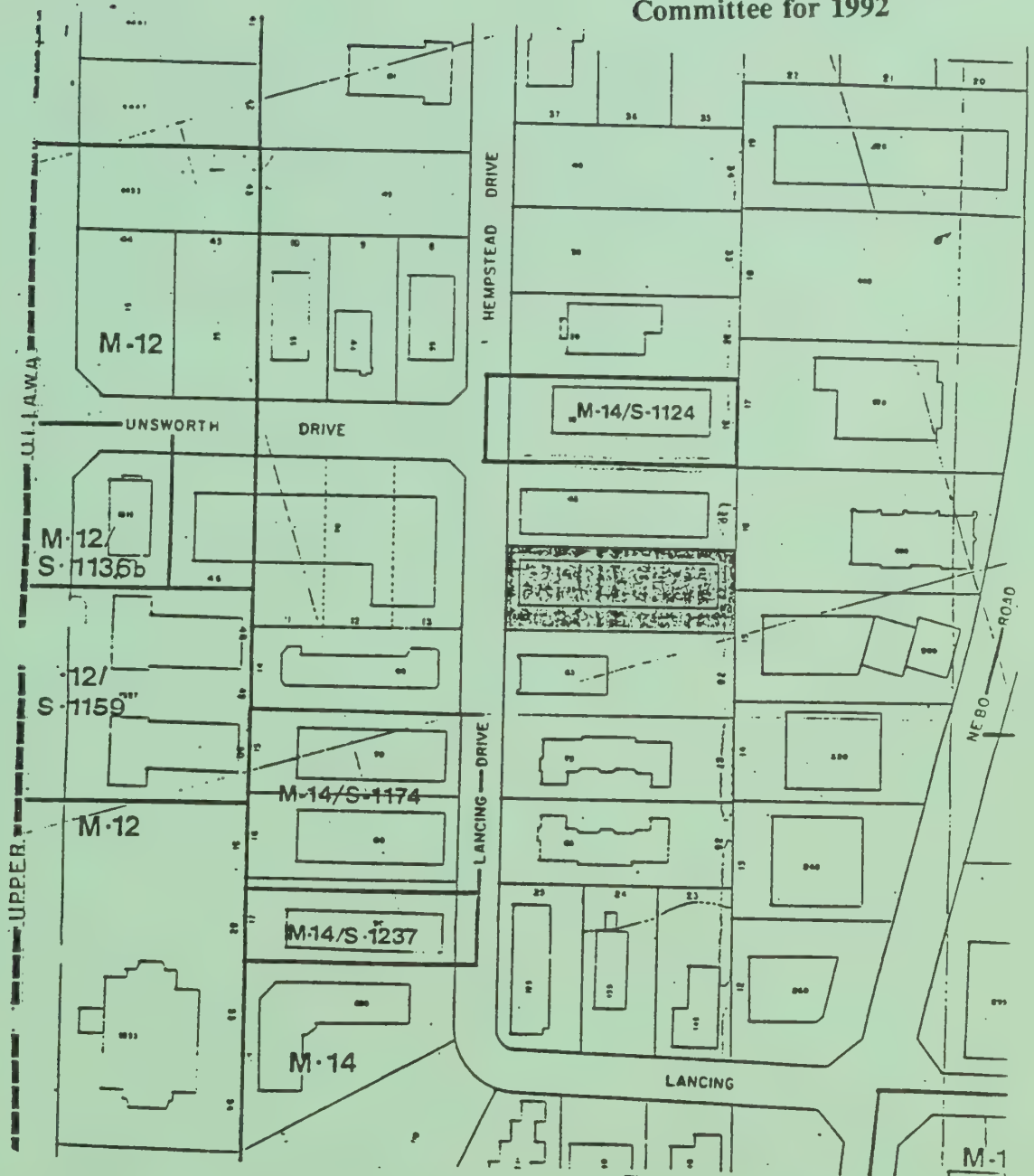
- (f) Bill C-90 A By-law to amend Zoning By-law No. 6593 to amend Zoning By-law No. 6593 respecting lands located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street
- (g) Bill C-91 A By-law to remove land within the Edan Heights, Phase 2 Subdivision, Plan 62M-705 from Part Lot Control

Respectfully submitted,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE

Tina Agnello
Secretary
1992 August 19

Appendix "A" as referred
to in Section 18 of the
Fifteenth Report of the
Planning and Development
Committee for 1992



Legend



Site of the Application



Appendix "B" as referred
to in Section 21A(a) of the
Fifteenth Report of the
Planning and Development
Committee for 1992

PROPOSED MODIFICATIONS TO AMENDMENT NO. 80 TO THE CITY OF HAMILTON OFFICIAL PLAN
(Revised 29 May 1992 to incorporate comments received as a result of circulation)

Modification 1

Subsection A.2.7.2 - Utility Uses, be revised as follows:

- I) delete Policy A.2.7.2; and,
- II) renumber the other policies in the Subsection accordingly.

Modification 2

Section A - Land Use and Management Strategy, be revised by adding a new Subsection A.2.11 - Shipping and Navigation, to read:

"A.2.11 - SHIPPING AND NAVIGATION

It is the general intent of this Plan to recognize the role of the Harbour in the economy of the City and in particular, the activities of the Hamilton Harbour Commissioners in carrying out their activities of SHIPPING AND NAVIGATION.

2.11.1 The primary permitted uses in the areas designated on Schedule "A" as SHIPPING AND NAVIGATION will be for shipping terminals; marine freight; passenger handling facilities; related storage, vessel and barge docks; and other uses related to SHIPPING AND NAVIGATION."

Modification 3

Subsection A.3.2 - Environmentally Sensitive Areas, be revised by:

- I) adding to Policy A.3.2.3, the words "...within or adjacent to lands..." after the words "...Where development or redevelopment is proposed on lands..." to read:

"A.3.2.3 Where development or redevelopment is proposed on lands within or adjacent to lands designated ENVIRONMENTALLY SENSITIVE AREAS, Council will consider..."

- II) adding a new clause (iv) to Policy A.3.2.3 to read:

"iv) In the case of Van Wagner's Marsh and Cootes Paradise, the Feasibility Study and Impact Analysis must make specific reference, in consultation with the Ministry of Natural Resources, to the criteria employed in the selection of these Provincially significant features. It must demonstrate that the development is compatible with long term maintenance of the Provincially significant features, in accordance with Provincial direction."

Modification 4

Subsection A.3.2 - Environmentally Sensitive Areas, be revised to add a new Policy A.3.2.10 to read:

"A.3.2.10 Cootes Paradise and Van Wagner's Marsh are Provincially Significant Wetlands. In addition, Cootes Paradise is a Provincially Significant Area of Natural and Scientific Interest. Council recognizes the Provincial significance of these

features and supports their protection in the long term."

Modification 5

Section A - Land Use and Management Strategy, be revised by adding a new Subsection A.3.5 - Land Fill Constraint Areas, to read:

"Landfill Constraint Areas are those lands which are known former municipal or industrial waste disposal sites. If effective control measures have not been implemented at the site, then methane gas and leachate can migrate laterally from the perimeter of the site. Methane gas and leachate can be generated in quantities and concentrations which can pose a risk to property and human health and safety. It is therefore appropriate to include policies to ensure due caution is exercised in the development/redevelopment of affected lands. Further, the Environmental Protection Act requires that approval for any use of a waste disposal site within 25 years of its closure be obtained in writing from the Minister of the Environment.

3.5.1 Where development is proposed within 500 metres of lands shown as "Land Fill Constraint Areas" on Schedule "I":

- (a) the City, the Region and the Ministry of the Environment will be consulted regarding actions necessary to identify and mitigate any potential adverse environmental effects; and,
- (b) to facilitate a recommendation by the Ministry of the Environment to the approving authority, evidence, will be provided to the City and to the Ministry that such development, including the construction of buildings, structures, and underground utilities and services, as well as hard surface paving, can safely take place.

3.5.2 No uses, except those approved by the City, and in writing by the Minister of the Environment pursuant to the Environmental Protection Act, as amended, will be permitted on lands used for waste disposal purposes within 25 years of termination of such use."

Modification 6

Item 19 be modified to revise Policy 5.1 by adding the word "generally" after the words "...land use compatibility" to read:

"5.1 Notwithstanding SECTIONS A, B AND C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is generally maintained and it is keeping with the intent of the development standards set out in this Plan."

Modification 7

Item 19 be modified to revise clause III) of Policy A 5.1 to read:

- "III) bona fide shipping and navigation by the Hamilton Harbour Commissioners, without purporting to limit the jurisdiction of the Parliament of Canada, the Federal Government, or the Hamilton Harbour Commissioners acting within the scope of the lawful jurisdiction in respect of shipping and navigation matters in accordance with Subsection D.8."

Modification 8

Subsection B.3.2 - Public Transit, be revised by adding the words "in accordance with the policies established by the Region" after the words "...locate TRANSIT stops" to read:

- "B.3.2.8 In the preparation of Neighbourhood Plans, Council will encourage and cooperate with the Region's Transportation Department to locate TRANSIT stops in accordance with the policies established by the Region. Where possible and feasible, transit stops will be located in close proximity to passenger generators. Furthermore, Council with support, where practicable, the integration of those stops with pedestrian crosswalks."

Modification 9

Section C - Amenity and Design Strategy, be revised to add a new policy 4.9 to Subsection C.4 - Pollution, to read:

- "4.9 Council recognizes the Ministry of the Environment's concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development/redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and/or the implementing zoning by-law:
- (i) require the proponents to submit to the Ministry of the Environment, in accordance with that Ministry's requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-up of Sites in Ontario, (as may be amended.) This plan will be submitted to the Ministry for approval;
 - (ii) defer applications to rezoning and/or Official Plan amendments until notification is received from the Ministry that the decommissioning process has been satisfactorily completed, in cases where remedial action plans have been required; and,
 - (iii) require, in accordance with Ministry requirements, the proponent to submit documentation on previous uses of the property with the application for development/redevelopment to the City for circulation to the Ministry."

Modification 10

Section D.8 - Interpretation, be revised to add a new Subsection D.8.6, as follows:

"D.8.6 Nothing in this Plan shall be interpreted to mean that an undertaking which is subject to the Environmental Assessment Act may proceed except in compliance with that Act. The City will not give any licence, permit or approval that may lead to the commencement of any such undertaking until it has been approved or exempted under the Environmental Assessment Act."

Modification 11

Schedule "A" - Land Use Concept of the Official Plan Amendment No. 80 be revised by:

- i) adding a new designation "Shipping and Navigation" to the legend; and,
- ii) redesignating Piers 10 to 14 and Piers 25 to 27 from "Utilities" to "Shipping and Navigation".

Modification 12

Introduce a new Schedule "F" - Land Fill Constraint Areas, to the Hamilton Official Plan

Modification 13

Renumber the items of Official Plan Amendment No. 80 accordingly.

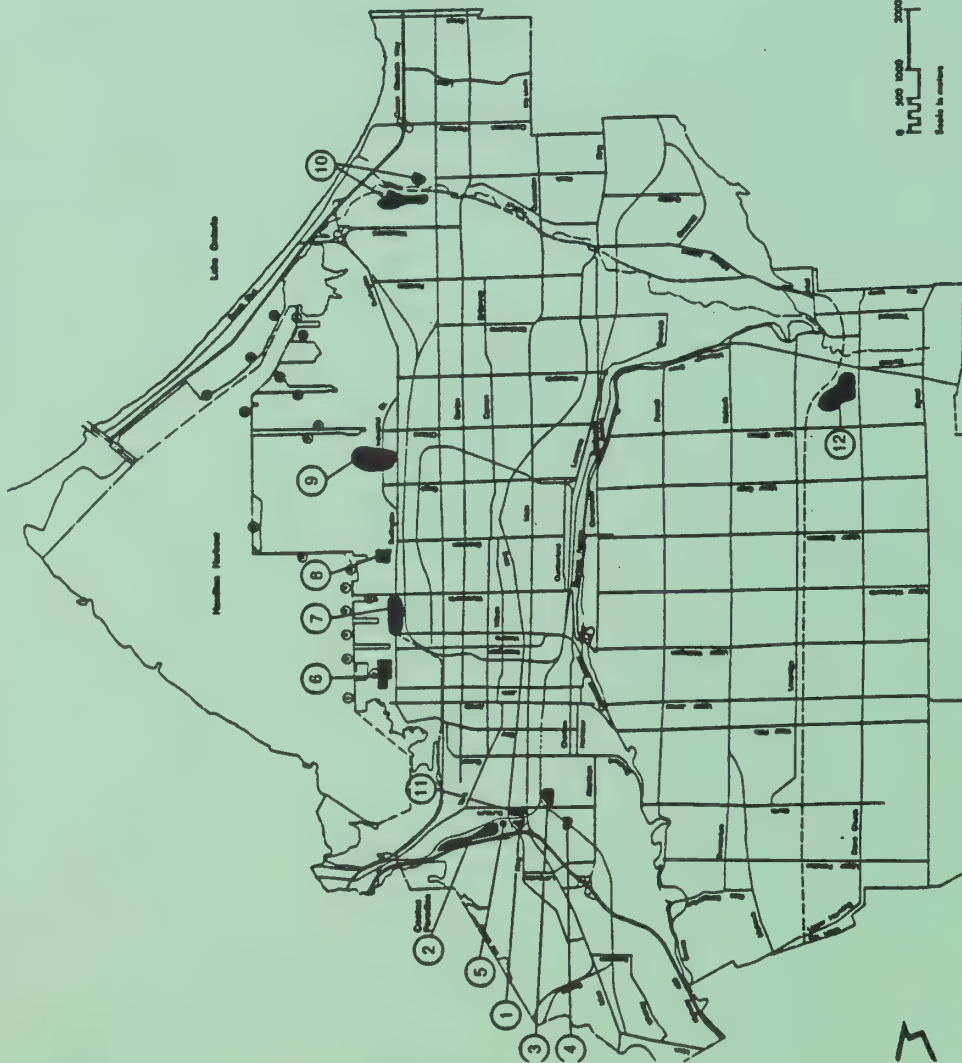
landfill constraint areas

legend

- ① King St/Basilica
- ② Kay Drudge Park
- ③ Hill Street Yard
- ④ Chatham/Fild
- ⑤ King/CP
- ⑥ Eastwood Park
- ⑦ Burlington/Victoria/Wentworth
- ⑧ Burlington/Birch
- ⑨ Burlington/Depew
- ⑩ Brampton/Wentworth
- ⑪ Main/Dundum
- ⑫ Upper Ottawa Landfill Site

schedule I

to the official plan
for
the City of Hamilton
December, 1991

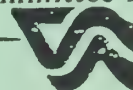


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Appendix "C" as referred
to in Section 21A(d) of the
Fifteenth Report of the
Planning and Development
Committee for 1992



The Hamilton
Harbour
Commissioners

CONFIDENTIAL & WITHOUT PREJUDICE

May 27, 1992

The Regional Municipality of Hamilton - Wentworth
P. O. Box 910
Hamilton, Ontario
L8N 3V9

Attention: Mr. A. L. Georgieff, MCIP

Dear Sir,

SUBJECT: Proposed Modifications to Official Plan Amendment No. 80,
City of Hamilton

The above referenced has been reviewed by The Hamilton Harbour Commissioners and we submit the following comments and recommended changes for your consideration.

It is the view of the Commissioners that should the recommendations as set out herein be incorporated by the Region many of the long-standing planning disputes between the City and the Commissioners will be resolved. Moreover, acceptance will also permit the Commissioners to withdraw many of the appeals that we have filed against zoning by-law amendments.

As had been previously set out to the City in previous correspondence, we had anticipated that the Major Five-Year Review to the City's Official Plan would have resulted in more than just housekeeping measures. The latest proposals for modifications to the Plan are an improvement over the initial proposal, however we feel that additional policies relating to the Port of Hamilton are warranted.

The proposal that we have provided will assist in providing the much needed certainty and predictability for long-term economic growth in the Port and the region. The attached Appendix 1 - "An Overview of the Benefits of the Port of Hamilton" - provides a basis for the incorporation of appropriate policies in the Official Plan which will in turn assist in establishing the atmosphere for growth and prosperity. Our proposal will only serve to benefit and sustain this growth, while continuing to be consistent with the judgement set down by Mr. Justice Griffiths. In this regard, we believe that Mr. Justice Griffiths was very clear in confirming the role of the Harbour Commissioners in port planning. For example, in Hamilton Harbour Commissioners v. City of Hamilton (1978), 91 D.L.R. (3d) 353, page 366, Mr. Justice Griffiths concluded:

If a port is to remain competitive, it must have sufficient flexibility to adapt its land uses to all the changing needs. If its harbour is to survive, a harbour authority must have complete and absolute control over the harbour and surrounding lands to enable it to develop to its full potential.

The following are our specific comments relating to the proposed modifications dated March 13, 1992:-

Modification 1

We concur.

Modification 2

The intent of this modification is positive, however in our view does not go far enough to fully address the importance, role and function of the Port. We propose the following:-

"A.2.11 - SHIPPING, NAVIGATION AND PORT DEVELOPMENT

Council recognizes that the Port is an integral and important element to the social and economic fabric of the City and surrounding region and accordingly, it is the general intent of this Plan to recognize the role of the Port in this respect and in particular, the activities of The Hamilton Harbour Commissioners in carrying out their mandate of Shipping, Navigation and Port Development.

2.1.11 The primary permitted uses in the areas designated on Schedule 'A' as Shipping, Navigation and Port Development shall include, but not be limited to the following uses: uses which relate to the movement, management, safety and convenience of ships; uses involving the carriage of goods or passengers to other modes of transportation; related storage and processing; vessel and barge docks; industry and commerce related or complementary to, or necessary to the port; recreational boat facilities; and, the provision of services such as security, employment, immigration, labour, administration, technical, food, fuel, and maintenance."

We feel that like other land uses in the municipality, the Shipping, Navigation and Port Development land uses should also be protected from adjacent, potentially conflicting land uses. Accordingly, the following policy is proposed which is similar to that found in the Industrial Uses land use designation in the Official Plan:

- *2.1.12 Council shall ensure that other land uses which are proposed and which abut the areas designated on Schedule 'A' as Shipping, Navigation and Port Development are compatible with those uses set out in policy 2.1.11 and will protect the uses set out in policy 2.1.11 from other uses or other adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures."

We believe that the Shipping, Navigation and Port Development designation should also be afforded the same policies as that found in other designations in the Official Plan respecting the provision of public services (policy 2.2.29, for example). We therefore, propose the following policy:

- *2.1.13 In order to enhance the viability of the Shipping, Navigation and Port Development designation, Council, where feasible and deemed appropriate, shall encourage and assist in the establishment and/or maintenance of the Port through the provision of highways, arterial roads, rail and public transit services."

Modification 3

No comment.

Modification 4

No comment.

Modification 5

At the outset, we are very concerned and disappointed that the land use designation and associated policies of Landfill Constraint Areas have been developed and proposed as part of modifications, and not as an amendment, without any consultation with The Hamilton Harbour Commissioners or the public. From a planning perspective, we are very surprised that no public meeting or other form of public consultation is proposed.

From our discussions and meeting with staff of the Ministry of the Environment, we understand that no technical reviews or investigations have been completed to determine the age, actual extent, contents, potential impacts, if any, and even existence of the identified landfill areas. We understand that the areas were identified by university students and through conversations with Regional and City staff.

Consequently, it is our position that prior to the designation of lands and surrounding areas, detailed field studies and research must be undertaken to verify the above information.

We are also concerned that the placement of the designation on lands of the Harbour Commissioners may lead to confusion given the various levels of government involved. In this respect, we request that the 500 metre zone be illustrated only on lands not owned by The Hamilton Harbour Commissioners since the Commissioners have their own internal procedures for the assessment, evaluation and screening of developments, capital works or changes in use. This code of practice is consistent with and will follow any and all applicable federal legislation and guidelines.

In summary, detailed investigations should first be completed. If the results demonstrate a need for further action, public consultation should occur. This consultation should ensure that any official plan amendments are co-ordinated with and take into account actions and plans of The Hamilton Harbour Commissioners with respect to these lands.

Modification 6

No comment.

Modification 7

This proposed modification is of some value, however the term bona fide should not be used since it will undoubtedly only lead to confusion as to what is bona fide shipping and navigation and what is not. We propose the following:

- "iii) shipping, navigation and port development uses by The Hamilton Harbour Commissioners, without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or The Hamilton Harbour Commissioners acting within the scope of the lawful jurisdiction in respect of shipping, navigation and port development matters in accordance with subsection D.8."

Modification 8

No comment.

Modification 9

No comment.

Modification 10

- i) The new designation should read "Shipping, Navigation and Port Development";
- ii) We have previously advised the Region and the City that the "Open Space" land use designation on Pier 8 is totally inappropriate since the Commissioners have no intent of using the terminal facility for anything but a shipping terminal within the planning horizon of the official plan. The "Open Space" designation does not recognize the investment and the current viable and successful use of the site, nor does it recognize the orderly development of shipping, navigation and port development activities.
- iii) Pier 24 and the Windermere Basin area should also be redesignated to "Shipping, Navigation and Port Development" since they are either now or will soon be part of viable shipping and port development components of The Hamilton Harbour Commissioners.
- iv) Finally, if any area of the port should be designated as "Shipping, Navigation and Port Development", it should be the open waters of the harbour. The harbour itself is used only for shipping and navigation uses and is fully under the ownership and control of The Hamilton Harbour Commissioners. Moreover, the reference in policy A.2.5.1 of the Official Plan to Ontario Regulation 118/70, as amended, is no longer applicable to the placement of fill materials in the Harbour. In Regina v. Hamilton Harbour Commission, June 10, 1977, Provincial Judge Ross Bennett on page 8 determined that:

"the legislation referred to in the Information is ultra vires in the Hamilton Regional Conservation Authority (sic) and the Province of Ontario, so far as it relates to that area described in schedule five of the regulations."

Modification 11

✓ See comments under the heading 'Modification 5'.

Modification 12

No comment.

Other Comments

We recommend that Policy D.8.4 be deleted and replaced with the following policy:

"D.8.4 This Plan does not prohibit or otherwise attempt to regulate the use of land or Hamilton Harbour by The Hamilton Harbour Commissioners for shipping, navigation or port development purposes, as provided herein."

We recommend that Policy D.8.5 be amended by deleting the word bona fide and adding the words "and port development uses" after the word navigation since, as previously noted, the term bona fide will only lead to confusion and interpretation problems during the implementation of the official plan.

Should you wish to meet to discuss our comments and recommendations, please contact us at your convenience.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS


J. BROOKFIELD
PORT PLANNER

Enclosure

cc: Mr. Stanley Makuch
 Borden & Elliot
 Barristers and Solicitors

jsb/sb/smp/lr/125

**Appendix "D" as referred
to in Section 22A of the
Fifteenth Report of the
Planning and Development
Committee for 1992**

The Draft Conformity Order

**Policy and Schedule Modifications
to the City of Hamilton Official Plan**

ORDER MADE UNDER
THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT,
R.S.O. 1990, CHAPTER N. 2

ORDER

Under subsection 15(2) of the Niagara Escarpment Planning and Development Act,

IT IS ORDERED THAT

The Official Plan for the City of Hamilton is amended as follows:

- 1) Amend Subsection A.2.3 - Industrial Uses by adding the following new clause:

"A.2.3.38 Notwithstanding the foregoing, Industrial Uses are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas.

Within this area, existing industrial uses are recognized. Minor expansions, as well as changes in the use and replacements, may be permitted where it can be demonstrated that the objectives of the applicable Niagara Escarpment Plan designation are met."
- 2) Amend Subsection A.2.4 - Open Space by adding the following additional paragraph to the end of Clause A.2.4.2:

"Notwithstanding the foregoing, limited commercial uses which are ancillary to and support the primary OPEN SPACE use are not permitted on lands designated OPEN SPACE on Schedule "A" which are designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas."
- 3) Amend Subsection A.2.6 - Major Institutional Uses by adding the following new clause:

"A.2.6.6 Notwithstanding Policy A.2.6.1, only small-scale institutional uses are permitted on lands designated INSTITUTIONAL on Schedule "A" which are

designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas. In this context, "small-scale" means a building having a floor area of not more than 460 m² (5,000 square feet)."

- 4) Amend Subsection A.2.7 - Utility Uses by adding the following new clause:

"A.2.7.6 Notwithstanding the foregoing, within the Escarpment Natural Area, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas, only essential utility facilities are permitted. Within the Niagara Escarpment Plan Area, "essential" means that which is deemed necessary to the public interest after all alternatives have been considered."

- 5) Amend Subsection A.2.9.1 - Niagara Escarpment by deleting the entire subsection and replacing it with the following:

"It is the intent of this Plan to preserve the valuable attributes of the NIAGARA ESCARPMENT throughout the City, to recognize the potential of so doing through the actions of the NIAGARA ESCARPMENT Commission, and to conform with the policies of the NIAGARA ESCARPMENT Plan.

A.2.9.1.1 The City of Hamilton Official Plan has been brought into conformity with the Niagara Escarpment Plan, as approved by Provincial Cabinet in June, 1985 and subsequent Amendments approved prior to January, 1992. In the event of conflict between this Plan and any policies of the Niagara Escarpment Plan, the more restrictive policies will prevail.

A.2.9.1.2 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 are located within the Niagara Escarpment Plan. To implement the Niagara Escarpment Plan, SPECIAL POLICY AREA 1 is subdivided, as shown on Schedule "B", into Special Policy Areas "1a", "1b" and "1c".

The outer boundary of the area covered by the Niagara Escarpment Plan is fixed and inflexible, and can be changed only by an Amendment to the Niagara Escarpment Plan. The internal boundaries between designations within the Niagara Escarpment Plan, however, are less definite except where they

are formed by such facilities as roads, railways and electrical transmission lines. The exact delineation of designation boundaries on specific sites will be done by the implementing body through the application of the designation criteria contained in the Niagara Escarpment Plan utilizing the most detailed or up-to-date information available and site inspections. Such designation boundary interpretations will not require amendments to the Niagara Escarpment Plan."

A.2.9.1.3 The following policies apply to the areas shown on Schedule "B" - Special Policy Areas as Special Policy Areas "1a", "1b" and "1c":

i) Special Policy Area "1a" - Escarpment Natural Area - is based on maintaining the most natural Escarpment features, stream valleys, wetlands, related significant natural areas as well as maintaining and enhancing the landscape quality of Escarpment features. Compatible recreation and conservation activities will be encouraged. Accordingly, the permitted uses will include:

- existing uses;
- non-intensive recreation uses relating to nature viewing and trail activities (excluding the use of trail bikes or all-terrain vehicles);
- forest, wildlife and fisheries management;
- archaeological activities;
- essential transportation and utility facilities;
- essential watershed management and flood and erosion control projects;
- accessory buildings, structures and facilities (e.g., garage) to support the permitted uses as well as site modifications required to accommodate them; and,
- uses permitted in approved park master or management plans.

New lots may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body.

- ii) Special Policy Area "1b" - Escarpment Protection Area - encompasses Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance. In addition, the Escarpment Protection Area policies are directed at maintaining the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity. Agriculture, forestry and recreation will be encouraged. Accordingly, the permitted uses will include:

- existing uses;
- recreational uses which are oriented to the land rather than requiring the building of major structures;
- forest, wildlife and fisheries management;
- archaeological activities;
- transportation and utility facilities;
- watershed management and flood and erosion control projects; and,
- accessory buildings, structures and facilities (e.g., garage) to support the permitted uses as well as site modifications required to accommodate them.

New lots may be created for the purpose of correcting conveyances, enlarging existing lots, or through acquisition by a public body (provided no new building lot is created).

- iii) Special Policy Area "1c" - Urban Area - is based on minimizing the impact and further encroachment of urban growth on the Escarpment environment. Accordingly, the following development objectives are paramount:

- a) All development will be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for

adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.

- b) New development will not encroach into the Escarpment Natural or Escarpment Protection Areas.
- c) New lots will not be created to include the Escarpment Natural or Escarpment Protection Areas.
- d) Lots will not be enlarged to extend into the Escarpment Natural or Escarpment Protection Areas in order to provide for more development.
- e) New lots may include the Escarpment Natural or Escarpment Protection Area designation under the following circumstances:
 - (i) correcting conveyances;
 - (ii) where the land in the Escarpment Natural Area or Escarpment Protection Area is to be acquired by a public body; and,
 - (iii) enlarging existing lots provided no further fragmentation of the Escarpment Natural Area or Escarpment Protection Area would result and provided there is sufficient area in the Urban Area to accommodate the proposed development.
- f) Adequate public access to the Escarpment will be provided by such means as parking areas, walkways or pedestrian trails (e.g., Bruce Trail).
- g) Development proposals will be compatible with and provide for the protection or restoration of historic features or areas, archaeological sites and structures of architectural significance.

- h) Growth will be compatible with and provide for the protection of unique ecologic areas, wildlife habitats, streams and water supplies and other environmentally sensitive areas both inside and adjacent to Urban Areas.

A.2.9.1.4 It is intended that Development within Special Policy Area "1c" - Urban Area -will be subject to Zoning and Site Plan Control. In the interim, a Development Permit will be required from the Niagara Escarpment Commission, as determined by Ontario Regulation 685/80, until such time as the City is delegated this responsibility.

A.2.9.1.5 Special Policy Area "1a" - Escarpment Natural - and Special Policy Area "1b" -Escarpment Protection - fall within the Development Control Area, regulated by the Niagara Escarpment Commission (N.E.C.) as defined by Ontario Regulation 685/80 as amended. Any change in use of any land, building or structure requires a Development Permit from the N.E.C., including the construction, alteration or demolition of a building or structure, unless specifically exempted by the regulations.

A.2.9.1.6 All proposals for development occurring in the Niagara Escarpment Plan Area (Special Policy Areas "1a", "1b" and "1c") will conform to the policies, permitted uses and Development Criteria outlined in the Niagara Escarpment Plan.

A.2.9.1.7 All proposals for development in the Niagara Escarpment Plan Area, will conform to the Official Plan of the City of Hamilton and the Official Plan of the Regional Municipality of Hamilton-Wentworth and requirements established by the Niagara Escarpment Plan. In the event of conflict between the policies of this Plan, the Regional Plan and the Niagara Escarpment Plan, the more restrictive policies will prevail.

A.2.9.1.8 Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or base of the Niagara Escarpment or lands in its vicinity.

A.2.9.1.9 Council will co-operate with the Ministry of Natural Resources to ensure the development and administration of the Niagara Escarpment Parks System, including the Mount Albion Conservation Area, fulfils the following objectives:

- i) to protect the most significant features of the natural and cultural landscape of the Niagara Escarpment area;
- ii) to provide a wide variety of Escarpment-related outdoor recreation opportunities;
- iii) to provide opportunities for exploration and appreciation of the natural and cultural heritage of the Niagara Escarpment; and,
- iv) to support tourism by providing opportunities for discovery and enjoyment by Ontario's residents and visitors.

A.2.9.1.10 Council may investigate and support the provision of walkways along and across the Escarpment in order to permit pedestrian access between the Lower and Upper City.

A.2.9.1.11 Council will encourage the responsible authorities to undertake appropriate measures to preserve the integrity of the remaining natural areas of the Niagara Escarpment and lands in its vicinity.

A.2.9.1.12 Council recognizes the importance of the Bruce Trail as a way of exploring and appreciating the natural and cultural heritage of the Niagara Escarpment."

6) Amend Subsection A.2.9.3 - Other Policy Areas as follows:

(a) Add the following new Clause to A.2.9.3.1 for Special Policy Area 3:

"xiii) Any development on lands within the Niagara Escarpment Plan must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to

suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- (b) Add the following new Clause paragraph to the end of Clause A.2.9.3.5 for Special Policy Area 7:

"Any development within this area must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- (c) Add the following additional paragraph to the end of Clause A.2.9.3.9 for Special Policy Area 11:

"Any development on lands within the Niagara Escarpment Plan must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- 7) Amend Subsection A.3.1 - Hazard Lands by adding the following new clause:

"A.3.1.4 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas - are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are schematically shown as HAZARD LANDS on Schedule "C" to this Plan. In this regard, any development must be in accordance with the permitted uses and the Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. Proponents for development or redevelopment within these designated lands are encouraged

to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- 8) Amend Subsection A.3.2 - Environmentally Sensitive Areas by adding the following new clause:

"A.3.2.10 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas - are recognized as being ecologically significant. These areas are schematically shown as ENVIRONMENTALLY SENSITIVE on Schedule "D" to this Plan. In this regard, any development must be in accordance with the permitted uses and the Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. Proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- 9) Amend Subsection A.3.3 - Non-Complying Uses by adding the following new clause:

"A.3.3.5 Notwithstanding the foregoing, those uses within the area of the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas, which do not conform to the permitted uses contained in the Niagara Escarpment Plan shall be recognized as "existing uses". In addition to Policy A.3.3.1, an existing use may expand, change its use or be replaced, when it can be demonstrated that the objectives of the applicable designation of the Niagara Escarpment Plan are met."

- 10) Amend Subsection A.3.4 - Division of Land by adding the following new clause:

"A.3.4.2 Any Division of Land within the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas, must conform to New Lots Policies of the

relevant Niagara Escarpment Plan designation contained in Policy A.2.9.1.3 of this Plan, as well as the Development Criteria contained in the Niagara Escarpment Plan."

11) Amend Subsection B.3.1 - Road Network by:

- (a) Adding the following additional paragraph to Clause B.3.1.18:

"Notwithstanding the foregoing, temporary licensed wayside pits or quarries for the construction and maintenance of public roads are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas."

- (b) Adding the following new clause to the subsection:

"B.3.1.21 Notwithstanding the foregoing policies of this Subsection, only essential transportation facilities will be permitted within the Escarpment Natural Area, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas. In addition, all transportation facilities proposed within the area of the Niagara Escarpment Plan must conform to the policies of that Plan."

12) Amend Subsection D.8 - Interpretation by adding the following new clause:

- "D.8.6 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") are located within the Niagara Escarpment Plan. Any development within this area must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

13) Amend Schedule "B" - Special Policy Areas by delineating the Escarpment Natural Area, Escarpment Protection Area and Escarpment Urban Area in accordance with the attached modified Schedule "B".

special policy areas

REFER TO
POLICY

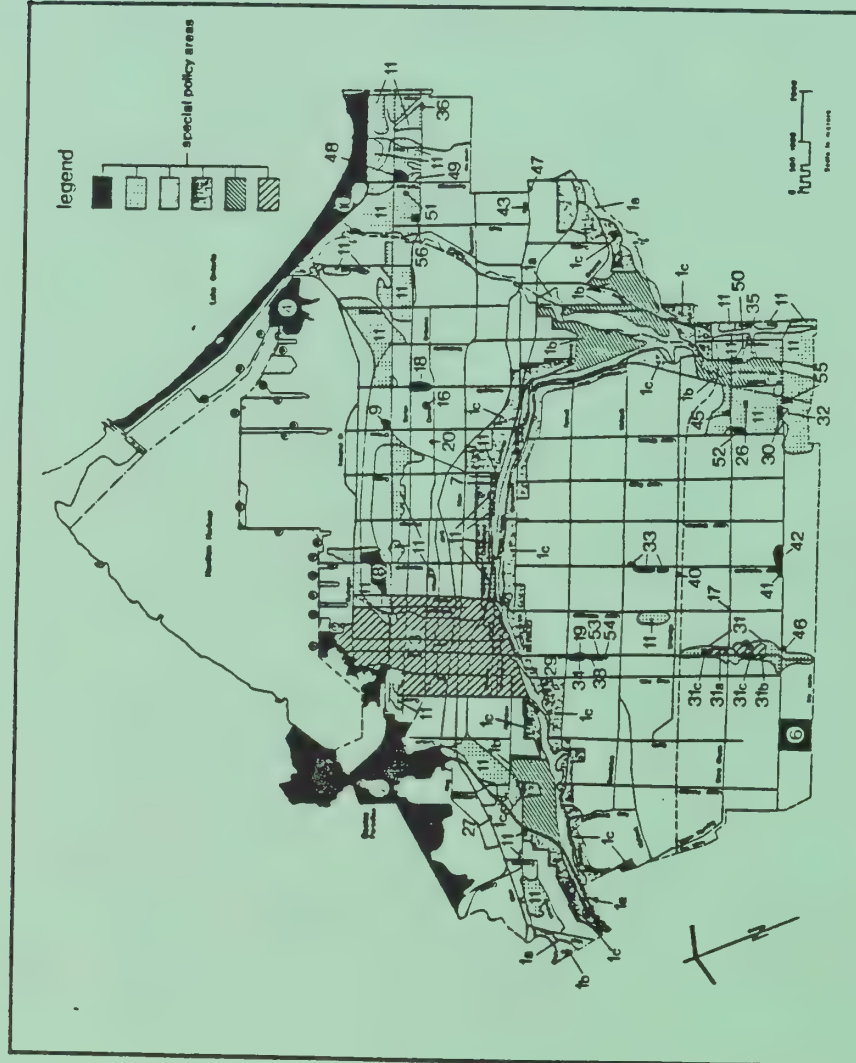
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Refer to Schedule B 1 for Special Policy Areas
in the Downtown

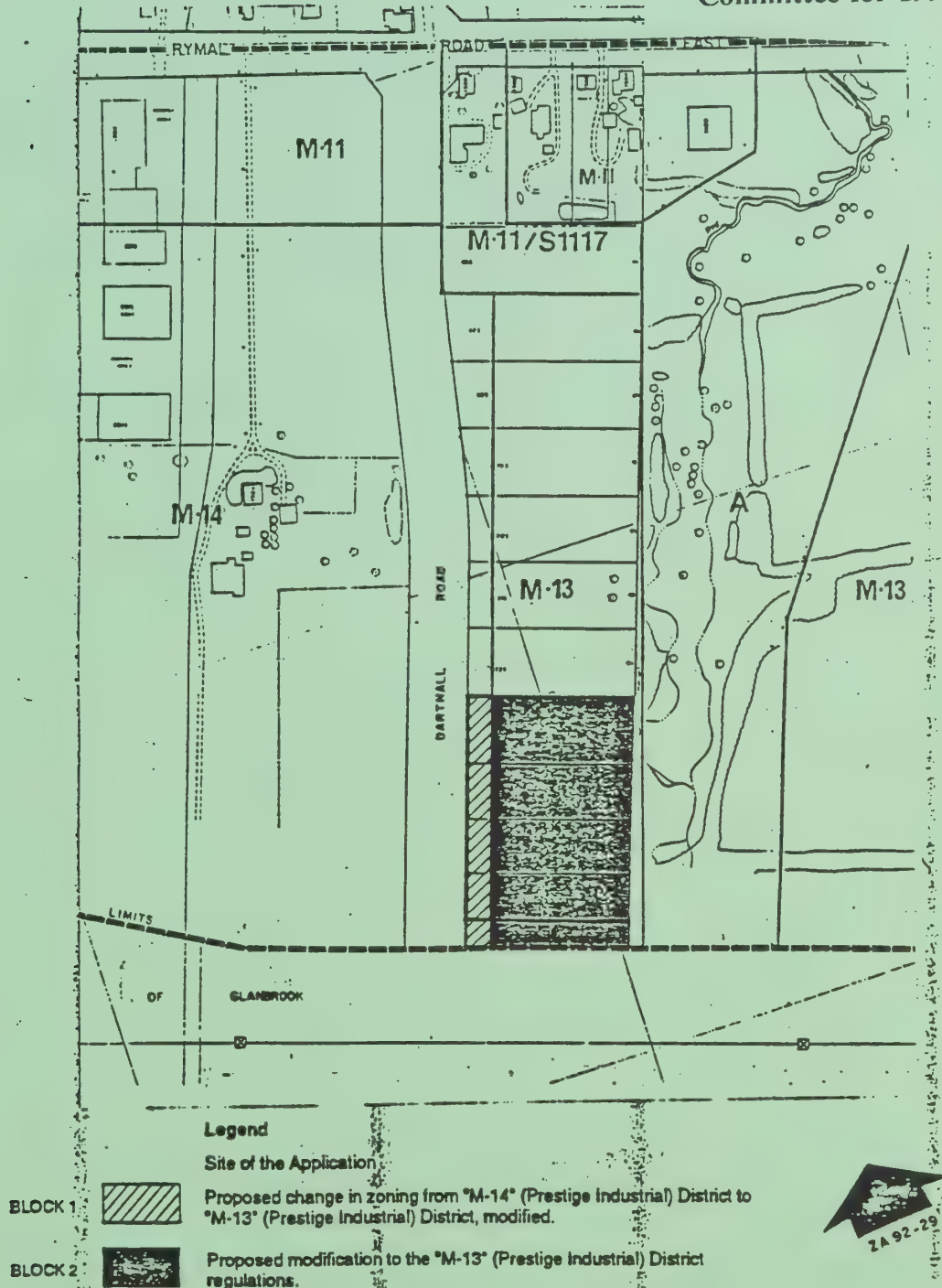
schedule B

to the official plan
for
the city of Hamilton

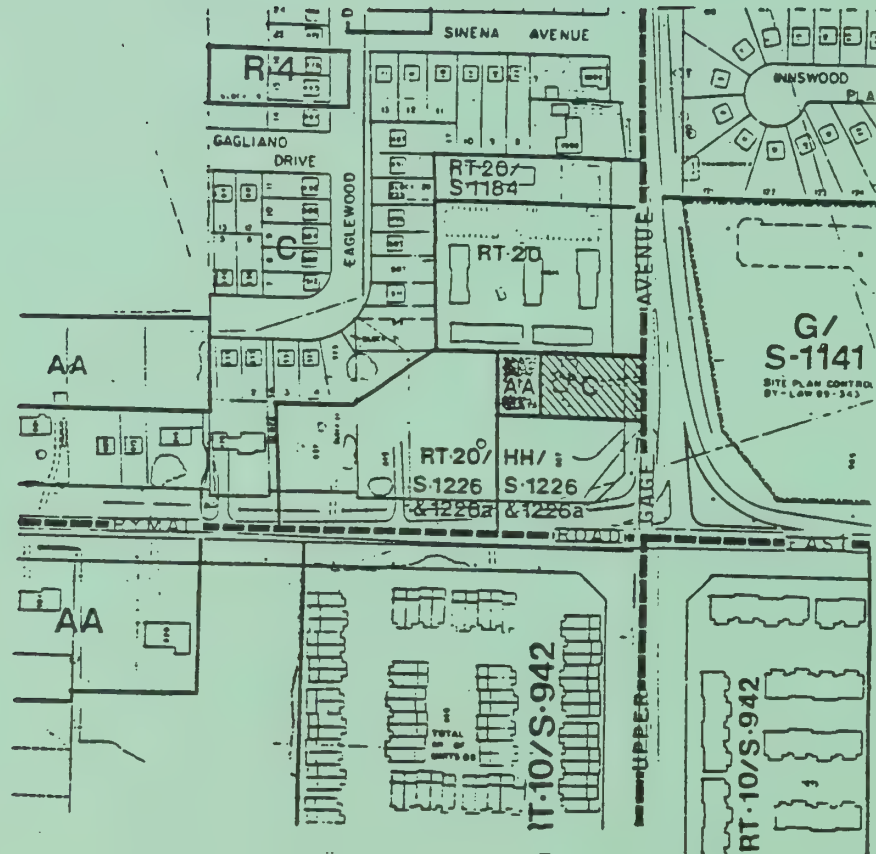
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Appendix "E" as referred
to in Section 28 of the
Fifteenth Report of the
Planning and Development
Committee for 1992



Appendix "F" as referred
to in Section 29B of the
Fifteenth Report of the
Planning and Development
Committee for 1992



Legend



Proposed change in zoning from:

BLOCK 1



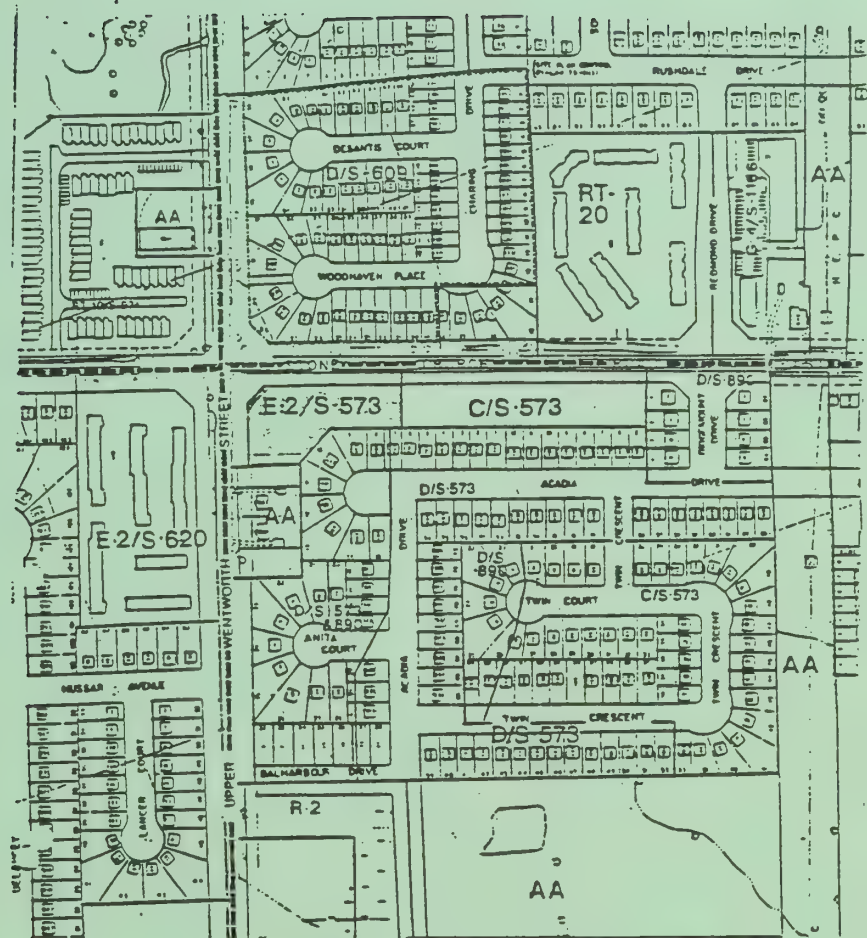
"AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified.

BLOCK 2



"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified.

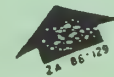
Appendix "G" as referred
to in Section 30B of the
Fifteenth Report of the
Planning and Development
Committee for 1992



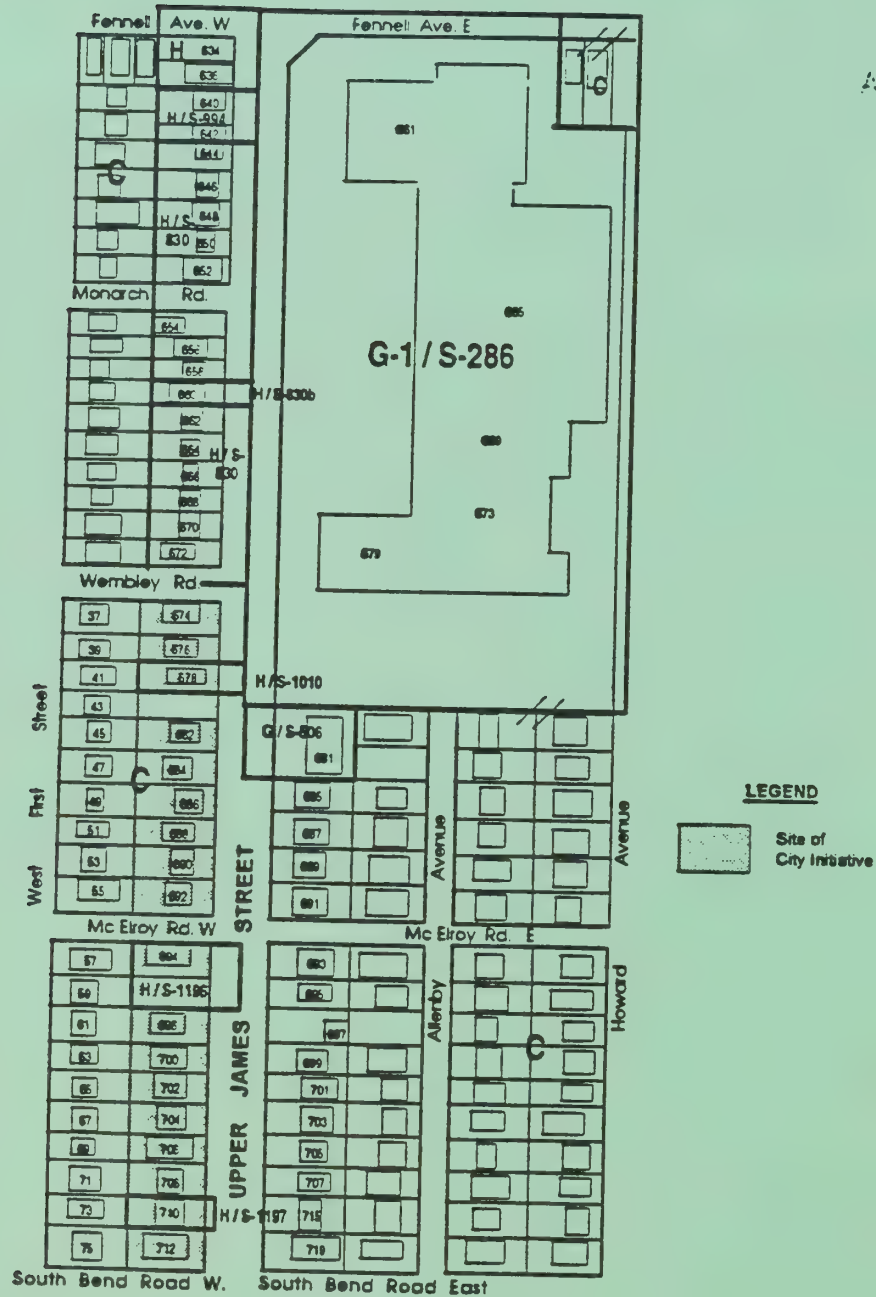
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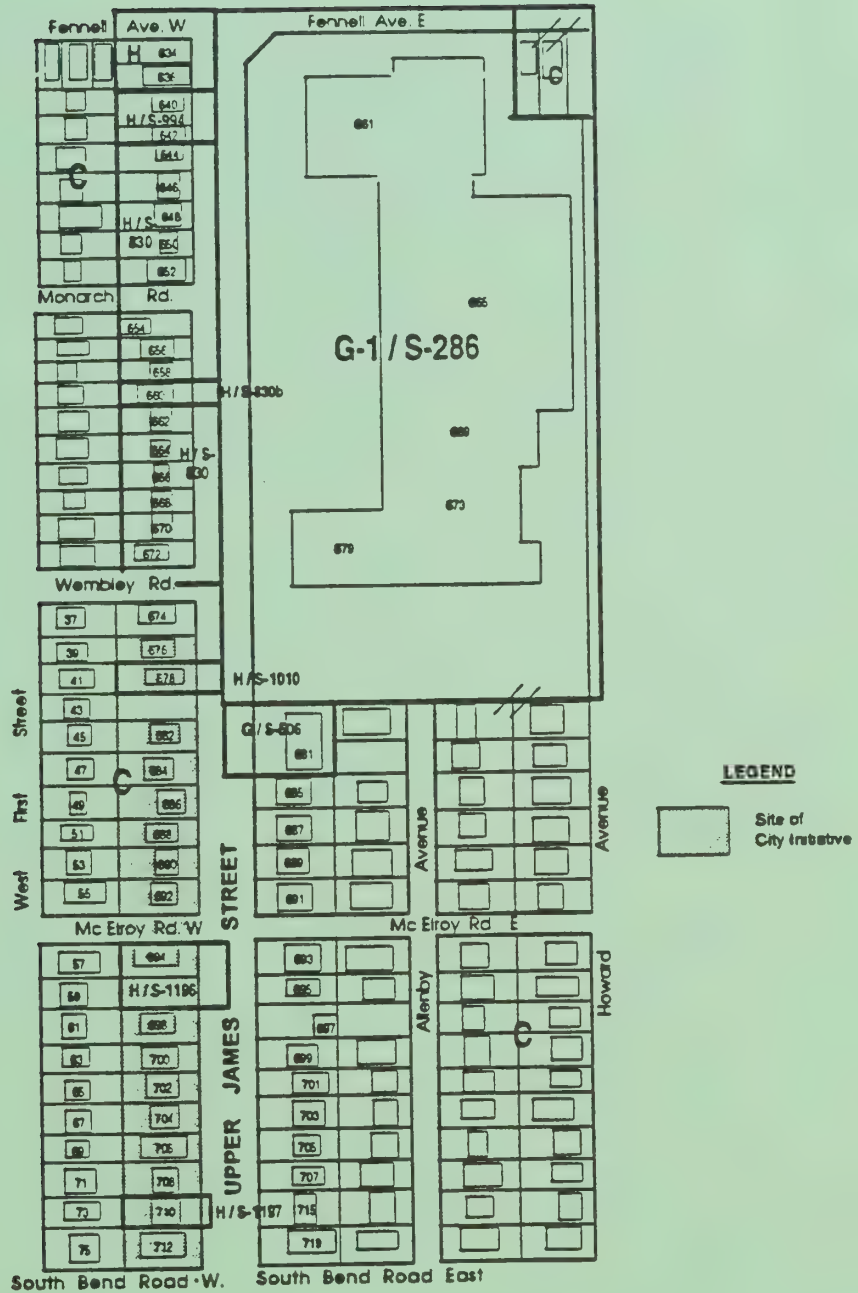
Site of the Application



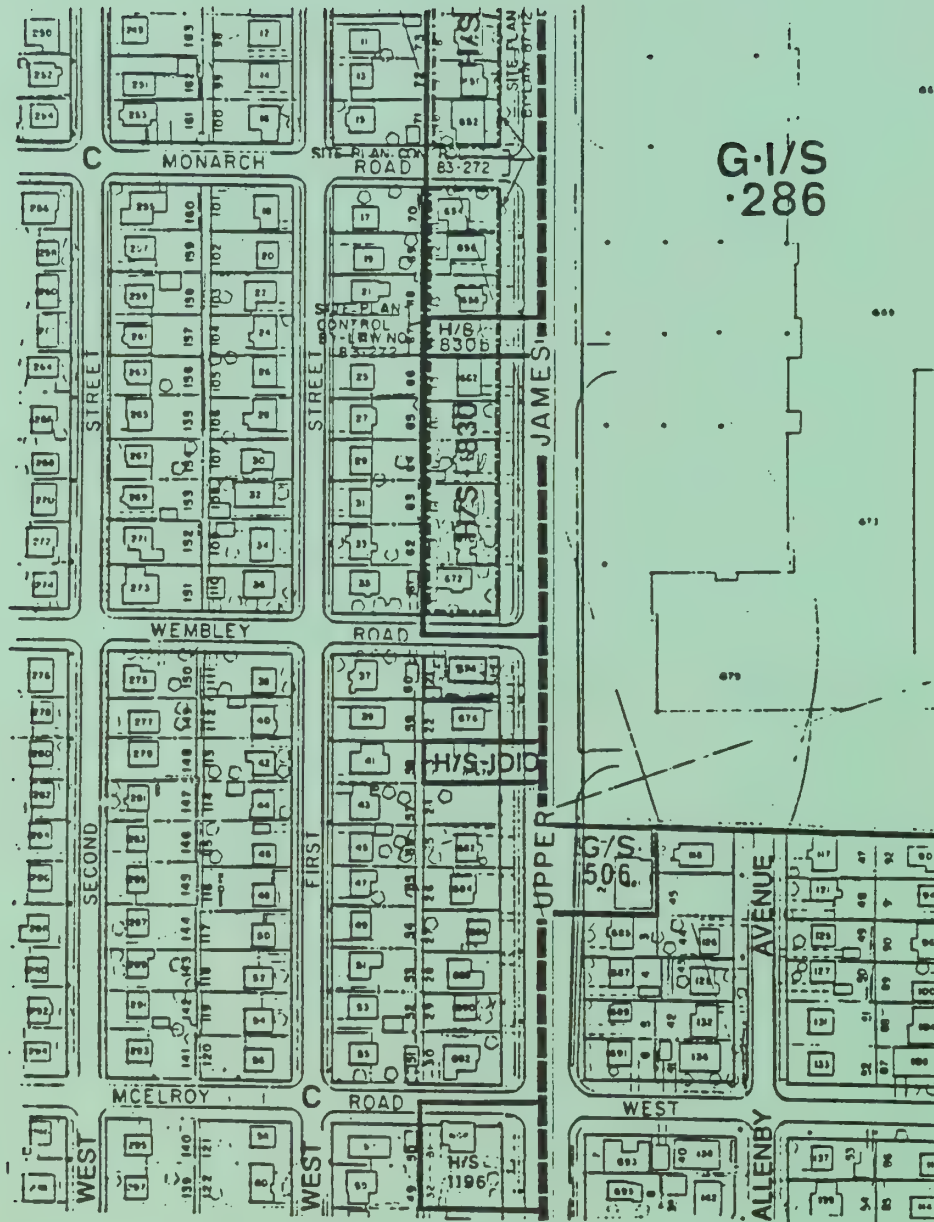
Appendix "I" as referred
to in Section 32B of the
Fifteenth Report of the
Planning and Development
Committee for 1992



Appendix "J" as referred to in Section 32C of the Fifteenth Report of the Planning and Development Committee for 1992



Appendix "K" as referred
to in Section 33A of the
Fifteenth Report of the
Planning and Development
Committee for 1992



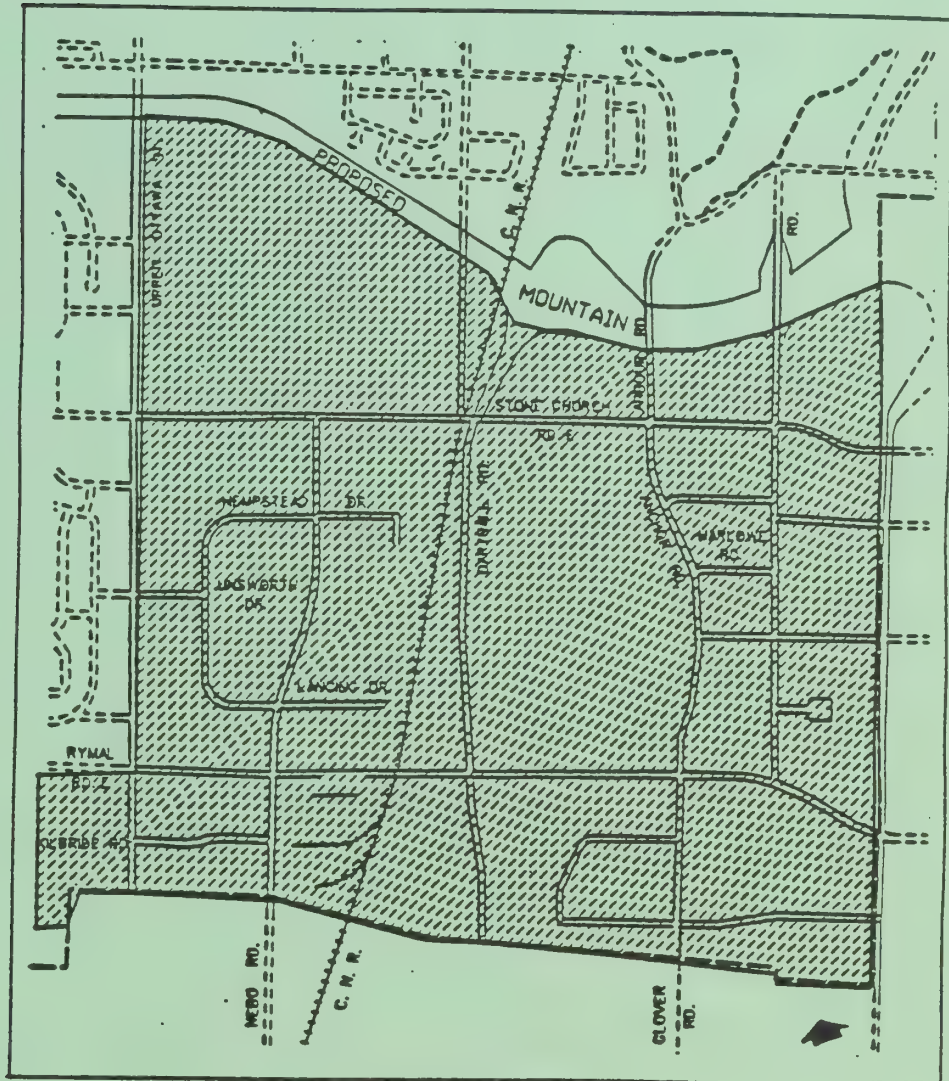
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Site of the Application



Appendix "L" as referred
to in Section 34B of the
Fifteenth Report of the
Planning and Development
Committee for 1992



DISTRICT STUDY
(Prestige Industrial)

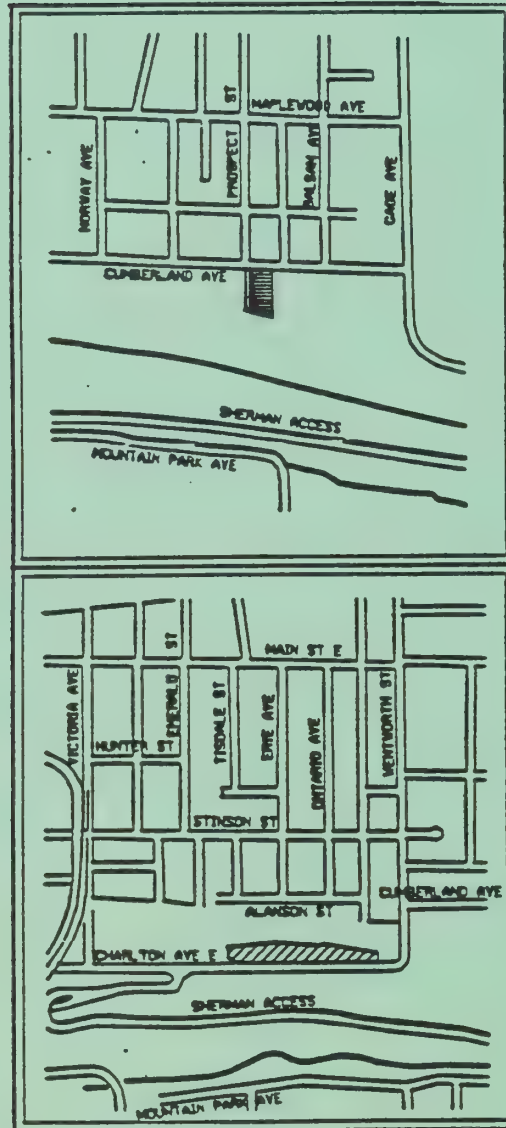
DATE : NOVEMBER 1991

--- City Boundary
Reference File No. CI-91-A

 **DISTRICT**

City of Hamilton
Planning &
Development
Department



Appendix "M" as referred
to in Section 34B of the
Fifteenth Report of the
Planning and Development
Committee for 1992



M DISTRICT STUDY

(Prestige Industrial)

City of Hamilton
Planning &
Development
Department

-  457 Charlton Avenue
-  408 Cumberland Avenue

Reference File No. C-91-A DATE : NOVEMBER 1991

Appendix "N" as referred
to in Section 34B(a) of the
Fifteenth Report of the
Planning and Development
Committee for 1992

PUBLIC USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Federal Government Service	X	X			
Provincial Government Services	X	X			
Regional and Local Government Services	X	X			
International and Extra Territorial Government Services	X	X			
Library Services			X		
Museums and Archives			X		
Sports and Recreation Clubs and Services			X		
Botanical and Zoological Gardens			X		
Other Amusement and Recreational Services except agricultural fairs, fortune tellers, go kart tracks, horseback riding operations riding schools, trainers - all types			X		
Business Associations	X	X	X		
Professional Membership Associations	X	X	X		
Labour Organizations	X	X	X		
Political Organizations	X	X	X		
Civic and Fraternal Organizations	X	X	X		
Animal Shelters			X		

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Appendix "O" as referred
to in Section 34B(a) of the
Fifteenth Report of the
Planning and Development
Committee for 1992

COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Project Management Construction		X	X	X	X
Other Services Incidental to Construction		X	X	X	X
Truck Transport Industries		X	X	X	X
Public Passenger Transit Systems Industries				X	X
Other Storage and Warehousing Industries with ancillary retail not to exceed 49% of the gross floor area of building		X	X	X	X
Telecommunication Broadcasting Industries		X	X	X	X
Postal and Courier Service Industries	X	X			
Wholesaling:					
Food, beverage, drug and tobacco		X	X	X	X
Apparel and dry goods		X	X	X	X
Household Goods		X	X	X	X
Motor Vehicle Parts and Accessories except rebuilding, recapping, retreading or vulcanized tires		X	X	X	X
hardware and plumbing and air conditioning equipment and supplies		X	X	X	X
lumber and building materials		X	X	X	X
machinery, equipment and sales		X	X	X	X
paper and paper products		X	X	X	X

COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
agricultural supplies		X	X		
toys, amusement and sporting goods		X	X		
photographic equipment and musical instruments and supplies		X	X		
jewellery and watches		X	X		
industrial and household chemicals		X	X		
general merchandise		X	X		
books, periodicals and newspaper		X	X		
second hand goods except automotive and machinery		X	X		
Retail Stores selling:					
food	X				
liquor, wine, beer	X				
prescription drugs, and medicine	X				
household furniture, appliances and furnishings except furniture finishing and repair	X	X			
furniture refinishing and repair	X	X	X		
general merchandise	X				
books and stationary	X				
hardware, paint, wallpaper, and glass	X	X			
sporting goods and bicycles	X				

COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
musical instruments and records	X				
camera and photographic supplies	X				
toy, hobby, novelty and souvenirs	X				
other retail stores	X				
Gasoline Service Stations	X				
Recreation Vehicle Dealers	X	X			X
Automotive Parts and Accessories Store	X	X			
Motor Vehicle Repair Shops except paint and autobody repair shop	X				X
Paint and Autobody Repair Shop					X
Other Motor Vehicle Services except car washes selling gasoline	X				
Other Motor vehicle services including car washes selling gasoline	X				
Lawn and Garden Centres with a maximum of 25% of lot area to be used for outside storage and sales area	X	X			
Vending Machine Operators	X	X			
Direct sellers	X	X			
Finance and Insurance Industries	X	X			
Real Estate Operators and Insurance Agent Industries)	X	X			

COMMERCIAL USES

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USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Employment Agencies and Personnel Suppliers	X	X			
Computer and related services	X	X	X		
Accounting and bookkeeping services	X	X	X		
Advertising services	X	X	X		
Architectural, Engineering, and Other Scientific and Technical Services	X	X	X		
Offices for:					
lawyers, notaries	X	X			
medical, dental	X	X			
health practitioners	X	X			
social services practitioners	X	X			
Management Consulting Services	X	X			
Other Business Services	X	X			
Post Secondary Non-University	X	X	X		
Medical and Health Laboratories	X	X	X		
Health and Social Service Associations and Agencies	X	X			
Food services except caterers	X				
Outdoor Patio in conjunction with food services (restaurant) only	X				
Caterers including banquet facilities	X	X			

COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Motion Picture, Audio and Video Production and Distribution		X	X		
Regular Motion Picture Theatre			X		
Class H Adult Entertainment Parlour	X				
Bowling Alleys and Billiard Parlours			X		
Amusement park and Carnival Circus			X		
Dance Halls, studios and Schools			X		
Roller Skating Facilities			X		
Barber and Beauty Shops	X				
Laundries and cleaners except distributors and/or agents for dry cleaners, Self serve laundries and/or dry cleaners , and valet services, pressing and/or repairing				X	X
Distributors and/or agents for Dry Cleaners	X				
Self serve laundries and/or dry cleaners	X				
Valet Services, pressing and/or repairing	X				
Other Personal Household Services	X	X			
Machinery and Equipment Rental and Leasing Services		X	X	X	X
Automobile Truck Rental and Leasing Services					X

COMMERCIAL USES

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USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Photographers	X	X			
Repair Services		X	X	X	X
Services to Buildings and Dwellings		X	X	X	X
Travel Services	X	X			
Vetrinary Services			X		
Kennels			X		

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Appendix "P" as referred
to in Section 34B(a) of the
Fifteenth Report of the
Planning and Development
Committee for 1992

INDUSTRIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Fruit and Vegetable Industry				X	X
Dairy Products Industry				X	X
Bakery Products Industry				X	X
Sugar and Sugar Confectionary Industries except Cane and Sugar Beet Industry				X	X
Other Food Products Industries				X	X
Soft Drink Industry			X	X	X
Brewery, Distillery, Wine Industries				X	X
Rubber Products except Tire and Tube Industries				X	X
Leather and Allied Products Industries except leather tanneries		X	X	X	X
Primary Textile Industries				X	X
Textile Products Industries except carpets, mats, rugs industry		X	X	X	X
Clothing Industries		X	X	X	X
Sash, Door and Other Millwork Industries				X	X
Wooden Box and Pallet Industries				X	X
Coffin and Casket Industries				X	X
Other Wood Industries except Wood Preservation Industry				X	X
Furniture and Fixture Industries				X	X

INDUSTRIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Paper Box and Paper Bag Industries			X	X	X
Printing, Publishing, and allied Industries		X	X	X	X
Fabricated Metal Products Industries - (Except Machinery and Transportation Equipment Industries) - except Power Boiler and Heat Exchanger Industry				X	X
Motor Vehicle Part and accessories Industries except firewall and leaf spring manufacturing				X	X
Boat Building and Repair Industry				X	X
Small Electrical Appliance Industry			X	X	X
Major Appliance Industry			X	X	X
Electric Lighting Industries			X	X	X
Record Player, Radio, Television Receiver Industry			X	X	X
Communication and other Electronic Equipment Industries			X	X	X
Office, Store and Business Machine Industries			X	X	X
Electrical industrial equipment Industries			X	X	X
Communications and Energy Wire and Cable Industries			X	X	X
Electrical Products Industries except Battery Industry			X	X	X
Clay Products Industries				X	X

INDUSTRIAL USES

APPENDIX "E"

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Concrete Products Industries				X	X
Glass Products Industries except Glass Containers					X
Other Non-metallic Products Industries except asbestos and gypsum products				X	X
Pharmaceutical and Medicinal Products			X	X	X
Toilet Preparations Industry			X	X	X
Scientific and Professional Equipment Industries			X	X	X
Jewellery and Precious Metals Industries			X	X	X
Sporting Goods and Toy Industries			X	X	X
Sign and Display Industry			X	X	X
Manufactured Products Industries			X	X	X
Building, Developing, and General Contracting Industries			X	X	X
Industrial and Heavy (Engineering) Construction Industries			X	X	X
Trade Contracting Industries			X	X	X

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1992 August 25

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **SIXTH** Report for 1992 and respectfully recommends:

1. That the **FIFTH** Report of the City of Hamilton Licensing Committee, adopted by City Council on 1992 July 28, be amended by deleting section 1 which reads as follows:

"1. That the Second Level Lodging Home Licences for 98 Sherman Avenue South and 44 Proctor Boulevard held by Murphycare (Patrick Murphy) be revoked effective upon satisfactory relocation of the residents."

and substituting in lieu thereof the following:

"1. That the Second Level Lodging Home Licences for 98 Sherman Avenue South and 44 Proctor Boulevard held by Murphycare (Patrick Murphy) be revoked effective 1992 September 1."

City Council in adopting Section 2 of the **FIFTH** Report of the City of Hamilton Licensing Committee approved "That the Regional Health and Social Services Committee be asked to arrange for the satisfactory relocation of the Second Level Lodging Home residents of 44 Proctor Boulevard and 98 Sherman Avenue South."

The Licensing Committee subsequently received a request from the Region of Hamilton-Wentworth Social Services Committee to implement an exact date of revocation in order to nullify the existing Second Level Lodging Home Contract with Murphycare - 44 Proctor Boulevard.

1992 August 25

The Licensing Committee considered this request at its meeting of 1992 August 12 of which meeting Mr. Murphy was sent notice. However Mr. Murphy advised the Committee by faxed letter prior to the meeting that he had not received the notice until the morning of August 12 and would not be at the meeting due to insufficient notice being given.

The Committee was advised of an affidavit signed by the Licensing Inspector who had personally delivered notice letters to Mr. Murphy's home and office addresses on the morning of August 10.

The Committee proceeded with the hearing and considered a suitable date for revocation of the licence. In order to allow time for the satisfactory relocation of the residents, and taking into account the fact that City and Regional Councils would only meet once per month in September, the Licensing Committee made the foregoing recommendation to amend the original Council resolution.

2. That the Cab Driver Licence application of Elwood Gallant, 294 Tragina Avenue North, Hamilton, L8H 5E1 be denied on the grounds of the applicant's extensive criminal and bad driving record.

Further details may be obtained from the Secretary.

3. That the Bingo Licence applications of Emergency Shelter of Hamilton-Wentworth, East Mountain Baseball Association, Hamilton Theatre Inc., Boys and Girls Clubs of Ontario, Te Deum Concert Society Inc., Pilipino Canadian Club and Hamilton Olympic Club for Sunday at 3:30 p.m. at the Princess Bingo Hall be denied.
4. That the Bingo Licence application of Shair International for Saturday at 10:00 a.m. at the Bingo Country Hall be denied.

On 1992 August 12 representatives of a number of charities appeared before the Licensing Committee to Show Cause why they should be issued a bingo licence for events which were not meeting the requirement of the Lottery Licence By-law 92-006 that "not less than 20% of the total receipts shall be paid to the charitable or religious organization to whom the licence was issued."

After much deliberation, and taking into account the dialogue over the past year with the charities in this regard, the Committee approved the issuance of a number of licences for a probationary period for those charities which had only been operating

1992 August 25

for a short time, or were close to the requirement, in order to give them an opportunity to attain this goal.

However, in the case of the above-mentioned charities, the Committee determined that they had been operating for more than six months and had not even reached the 10% threshold, and the Committee did not feel it was a reasonable expectation that they would be able to attain the 20% requirement. It was also noted that the majority of the charities also operated bingo at other more profitable time slots.

The Licensing Committee therefore made the foregoing recommendation.

RESPECTFULLY SUBMITTED

**ALDERMAN T. COOKE
CHAIRPERSON
CITY OF HAMILTON LICENSING
COMMITTEE**

Stella Glover
Secretary

1992 August 12

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1992 August 25

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SEVENTEENTH** Report for 1992 and respectfully recommends:

1. (a) That approval be given to enter into a contract with S. M. Roscoe Inc. Architects, as the Prime Consultant, for full Architectural & Engineering Services for the New Fire Station 4 on Upper Sherman Avenue, within the north-west corner of Macassa Park. The contract amount will be \$214,792.
- (b) That the cost of retaining the Prime Consultant be charged to Account No. CF 5450 489241009.
- (c) That a contract satisfactory to the City Solicitor be entered into between the City and the Prime Consultant S. M. Roscoe Inc. Architects.
- (d) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.
2. That the following resolution from the Township of Tiny respecting restructuring in Simcoe County be received:

WHEREAS all efforts at ensuring the integrity of the Township of Tiny's municipal boundaries and financial welfare have been frustrated by the County of Simcoe under the guidance of the Ministry of Municipal Affairs;

NOW THEREFORE BE IT RESOLVED that the municipal Corporation of the Township of Tiny hereby confirm that it is opposed to the implementation of legislation enacting the final report of the Simcoe County Study Committee;

1992 August 25

AND FURTHER that a copy of this resolution be sent to all municipalities in the Province of Ontario asking for their support and that these municipalities advise the Premier of Ontario, the Minister of Municipal Affairs and their respective members of the Ontario Legislature and the Council of the Corporation of Tiny. And that a brief summary of events accompany this resolution.

3. That the following resolution from the City of Stoney Creek respecting multiculturalism be received:

WHEREAS Canada is a country whose citizenry comes literally from the four corners of the earth, and

WHEREAS Canada's generous policies of inclusion have aided its citizens to assimilate in the Canadian society by accepting its laws and practices, and

WHEREAS Canada's policy of Multiculturalism has assisted greatly in this process of inclusion and assimilation;

NOW THEREFORE BE IT RESOLVED:

That Stoney Creek Council fully endorse Canada's policy on Multiculturalism and that we ask the Provincial Government through its Ministry of Culture and Citizenship to also go on record in support of this resolution and that we ask the endorsement of all municipalities in Ontario over 25,000 people in population, and that this recommendation be circulated to the Unity Committee, Honourable Shirley Martin, Prime Minister Brian Mulroney, and the leaders of the Liberal and N.D.P. Federal Parties.

4. That outstanding business taxes in the amount of \$207,996.68, be written off in accordance with Section 441 of the Municipal Act, R.S.O., 1990, and charged to Account CH 53401-24106, Tax Write-Offs. (A copy of the Tax Write-Off Schedule was distributed to members of the Finance & Administration Committee and is available from the Committee Secretary upon request.)

1992 August 25

5.
 - (a) That the City Treasurer be authorized to extend the City of Hamilton's current banking arrangements with the Canadian Imperial Bank of Commerce for a further seven month period from the current expiry date of 1992 November 30, to a new expiry date of 1993 June 30.
 - (b) That the City Treasurer be authorized and directed to prepare the necessary specifications and a "Proposal Call for Banking Services" for the City of Hamilton for a five year period (with an option for the City to renegotiate after three years) commencing 1993 July 1.
 - (c) That following the receipt and evaluation of the proposals, the Treasurer submit a recommendation for banking services to the Finance and Administration Committee for approval.
6. That approval be given to the action taken by the City Clerk in authorizing the Hamilton Heritage Week Committee to use Committee Room 233 on Thursday, 1992 August 6 at 7:00 p.m. to prepare a proposal for a future official event.
7.
 - (a) That permission be granted to the Advertising and Sales Club of Hamilton to use the East and West areas of the second floor lobby at City Hall from 3:00 p.m. on Monday, 1992 October 19 until Friday, 1992 October 30 to display photographs of the 1992 Ace Award Winners.
 - (b) That the City Clerk be granted authority to approve of a similar use in future years provided that it does not interfere with any other activity.
8.
 - (a) That no action be taken with respect to the request of the McMaster University Art Gallery to place a billboard on the forecourt of City Hall from 1992 September 1 - 15 and 1993 May 16 - 29 to promote the 25th Anniversary of the McMaster University Art Gallery; and
 - (b) That billboards not be permitted on the forecourt of City Hall until the recommendations of the Urban Design Study of City Hall grounds have been completed by A. J. Diamond, Donald Schmitt and Company.
9. That approval be given to the request of the Women's Trust to use the Council Chambers for the purpose of an address on the occasion of Person's Day on Monday, 1992 October 19, to be preceded by a buffet lunch and reception on the Second Floor Lobby for approximately two (200) hundred women.

10. That the Liquor Licence Board of Ontario be advised that the City of Hamilton recognizes that the Festival of the Hellenic Community of Hamilton and District being held on Friday, 1992 September 11th to Sunday, 1992 September 13th on the east grounds of St. Demetrios Greek Orthodox Church at 22 Head Street is a Community Festival of municipal significance and as such is worthy of the issuance of a Special Occasion Permit for the above-noted Festival.
11. That no further approvals be granted for civic awards until such time as the Task Force to Review the Civic Awards Programme has presented its report to the Finance and Administration Committee.
12. That the listing of Appointments To and Terminations From Permanent positions with the Corporation of the City of Hamilton to 1992 August 12, attached herewith and marked Appendix "A", be approved.
13. That a purchase order be issued to Cimco Refrigeration, Toronto, Ontario in the amount of \$106,736.40 per year including all taxes for mechanical maintenance of refrigerating ice making equipment in nine (9) city owned arenas during 1992, 1993, 1994, being the only tender received in accordance with specifications issued by the Manager of Purchasing and vendor's tender, and that this expenditure be financed through Refrigeration Control Recreation Building Account CH 56380-31136.
14. That a purchase order be issued to Graphic Papers, for the supply and delivery of Fine Paper as and when required for a twelve (12) month term, being the lowest of five tenders received, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that these expenditures be financed through various approved accounts.
15.
 - (a) That as referred to in Section 27 of the Ninth Report of the Transport and Environment Committee for 1992, the purchase of 643 Rymal Road West for the proposed extension of Upper Paradise Road, at a price of \$330,000, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands", and
 - (b) That \$200,000. be transferred to the "Reserve for Services Through Unsubdivided" from the "Reserve for Capital Projects" in order to complete the financing of this purchase and allow for possible further subdivision expenditures through the balance of 1992.

1992 August 25

16. That as referred to in Section 25 of the Ninth Report of the Transport and Environment Committee for 1992, the City's share of "Agrigento Gardens" Subdivision, at a cost of \$6,632.46, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".
17. That the following resolution from the City of Burlington respecting LaSalle Park be received:

THAT the letter dated 1992 June 30, from the City of Hamilton concerning the possible sale of LaSalle Park to the City of Burlington be received and filed;

AND THAT a Committee composed of Alderman Greenaway, Alderman MacIsaac, Alderman Whitworth, Mayor Mulkewich, City Manager Michael Fenn and Director of Parks and Recreation Jim Olmstead meet and consult with the City's Legal Department with respect to the terms of the current lease for LaSalle Park;

AND THAT the Committee consider the City's role in the Hamilton Harbour Remedial Action Plan and the Fish and Wildlife Habitat Plan;

AND THAT the Committee consider the financial implications of future LaSalle Park needs;

AND THAT the Committee report back to the Community and Corporate Services Committee with recommendations on possible future negotiations with the City of Hamilton.

18. (a) That the City pay to Samuel and Sheridan Lax \$33,907.06 in additional legal costs awarded by Mr. Justice Ground and not in dispute on the subsequent Appeal.
- (b) That the City offer to settle all outstanding issues on the Appeal of the costs in the Lax expropriation on the following terms:
 - (i) The City will pay to Samuel and Sheridan Lax the remaining costs awarded by Mr. Justice Ground (\$52,500. plus post judgment interest) and the sum of \$33,317.51 with respect to the Kellough appraisal report.

1992 August 25

- (ii) The City bear its own costs with respect to the Appeal heard by Mr. Justice Ground. The Appeal of that decision by the Lax Brothers, and any City Cross-Appeal will be dismissed or discontinued.

19. That leave be granted to introduce the following Bills:

- (a) Bill H-51 A By-law to authorize Restoration of Steam Museum Pumphouse.
- (b) Bill H-52 A By-law to authorize Harbourfront Park Remedial Action - Stage 2.
- (c) Bill H-53 A By-law to authorize Major Maintenance to Civic Buildings.
- (d) Bill H-54 A By-law to authorize Construction of T. B. McQueston Park.
- (e) Bill H-55 A By-law to authorize Baseball Facilities Development.
- (f) Bill H-56 A By-law to authorize Renovation to the Central Library.
- (g) Bill H-57 A By-law to authorize the Expansion of the Concession Street Library.
- (h) Bill H-58 A By-law to amend By-law No. 79-323 respecting Flea Markets.
- (i) Bill H-59 A By-law to amend Schedule 22 to Licensing By-law No. 79-323 respecting Transient Vendors.
- (j) Bill H-60 A By-law to confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

Susan K. Reeder
Secretary
1992 August 20

Appendix "A" referred
to in Section 12 of the
Seventeenth Report of the
Finance and Administration
Committee for 1992.

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Ms. Angie Baldassaro	Clerk II, Mail Processing City Clerk's (7-C)		Replacing Linda Everets - promoted	\$23,747.36 to \$25,707.24	29/06/92
Mr. Greg Bartolotto	Parking Control Officer (13-I)	Traffic	Additional Staff Council Approved April 14, 1992	\$31,612.88 to \$36,305.88	27/07/92
Ms. Donna Clague	Housing Loans Clerk (10-E)	Community Development	Replacing Melissa Gould - promoted	\$27,791.40 to \$30,442.88	10/08/92
Ms. Carolyn Edwards	Typist Clerk II (7-C)	Treasury	Replacing Rose Wallage - promoted	\$24,096.80 to \$26,107.64	13/07/92
Ms. Melissa Gould	Parking Control Officer (13-I)	Traffic	Additional Staff Council Approved April 14, 1992	\$31,612.88 to \$36,305.88	27/07/92
Mr. Don Holt	Probationary Fire Inspector (N1-A)	Fire	Replacing Callum Neil - transfer	\$34,361.30	22/06/92
Mr. Timothy Mason	Carpenter (T1-B)	Public Works	Replacing Roger Lott - retired	\$39,243.36 to \$39,659.36	13/07/92

Prepared 12/08/92

THE CORPORATION FOR THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Ms. Laura McDavid	Clerk Typist II (7-A)	Traffic	Returning to former position	\$24,096.80 to \$26,107.64	13/07/92
Ms. Valeria Mitchell	Cashier (9-C)	Treasury	Replacing Carol Alkeman - promoted	\$26,704.60 to \$28,830.36	29/06/92
Mr. Mark Orr	Sports Groundskeeper I (D-14D)	Public Works	Replacing Rob Gatto - promoted	\$33,373.60 to \$33,789.60	13/07/92
Mr. Gary Speakman	Lieutenant (A-6)	Fire	Replacing Mr. W. Pasel - promoted	\$53,105.63	21/06/92
Mr. Nick Valentini	Parking Control Officer (13-1)	Traffic	Replacing Judy Berestecki - promoted	\$31,612.88 to \$36,305.88	27/07/92
Ms. E. Joanne Wigmore	Parking Control Officer (13-1)	Traffic	Additional Staff Council Approved April 14, 1992	\$32,612.88 to \$36,305.88	03/08/92

Prepared 12/08/92

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON	LENGTH OF SERVICE	EFFECTIVE DATE
Mr. Stephen Dockman	Operations Manager	H.E.C.F.I.	Termination	11 years, 4 months	06/08/92
Ms. Bozica Jurcevic	Stenographer I	Law Department	Resigned	3 years, 2 months	17/07/92

Prepared 12/08/92

BILLS

CITY COUNCIL

1992 August 25

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92 -

To Authorize:

1. The construction of local improvements without petition under Section 12 of The Local Improvement Act of sidewalks and curbs on ACADIA DRIVE from Butler Drive to approx. 50m southerly (west side only), as described in Schedule "A";
2. The special assessment to pay a portion of the cost of the works by the abutting owners;
3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.

WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 22 of the 5th Report of the Transport & Environment Committee on April 14, 1992;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 12 of the 9th Report of the Finance & Administration Committee on April 14, 1992;

AND WHEREAS it is expedient to proceed without petition to undertake, as local improvements, the works hereinafter described;

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of The Local Improvement Act, R.S.O. 1980;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Ontario Municipal Board did, on the 26th day of June, 1992, issue Order No. E920433 approving the application of The Corporation of the City of Hamilton for:

- (a) the construction of certain works as local improvements on the initiative plan at a total estimated cost of \$7,500.00 and,
- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures in the sum of \$6,850.00.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$7,500.00.

2. The share or portion of the estimated cost of the works in the amount of \$6,850.00 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$6,850.00;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Senior Director of Roads is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 5 R.T.E.C. 22, April 14
 (1992) 9 R.F.A.C. 12, April 14

SCHEDULE "A"

The construction of sidewalks and curbs on ACADIA DRIVE from Butler Drive to approx. 50m southerly (west side only) at the costs not exceeding those set out below:

City's Share	\$ 650.00
Owners' Share	<u>6,850.00</u>
TOTAL ESTIMATED COST	<u>\$ 7,500.00</u>
Estimated Cost per metre frontage	\$ 137.00
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92 -

To Authorize:

1. The construction of local improvements without petition under Section 12 of The Local Improvement Act of roadway only on ACADIA DRIVE from Butler Drive to approx. 50m southerly, as described in Schedule "A";
2. The special assessment to pay a portion of the cost of the works by the abutting owners;
3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.

WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 22 of the 5th Report of the Transport & Environment Committee on April 14, 1992;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 12 of the 9th Report of the Finance & Administration Committee on April 14, 1992;

AND WHEREAS it is expedient to proceed without petition to undertake, as local improvements, the works hereinafter described;

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of The Local Improvement Act, R.S.O. 1980;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Ontario Municipal Board did, on the 26th day of June, 1992, issue Order No. E920431 approving the application of The Corporation of the City of Hamilton for:

- (a) the construction of certain works as local improvements on the initiative plan at a total estimated cost of \$22,500.00 and,
- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures in the sum of \$20,070.00.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$22,500.00.

2. The share or portion of the estimated cost of the works in the amount of \$20,070.00 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$20,070.00;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Senior Director of Roads is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 5 R.T.E.C. 22, April 14
 (1992) 9 R.F.A.C. 12, April 14

SCHEDULE "A"

The construction of roadway only on ACADIA DRIVE from Butler Drive to approx.
50m southerly at the costs not exceeding those set out below:

City's Share	\$ 2,430.00
Owners' Share	<u>20,070.00</u>
TOTAL ESTIMATED COST	<u>\$ 22,500.00</u>
Estimated Cost per metre frontage	\$ 223.00
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92 -

To Authorize:

1. The construction of local improvements without petition under Section 12 of The Local Improvement Act of sidewalks only on ACADIA DRIVE from approx. 128m south of Butler Drive to approx. 77m southerly (west side only), as described in Schedule "A";
2. The special assessment to pay a portion of the cost of the works by the abutting owners;
3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.

WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 22 of the 5th Report of the Transport & Environment Committee on April 14, 1992;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 12 of the 9th Report of the Finance & Administration Committee on April 14, 1992;

AND WHEREAS it is expedient to proceed without petition to undertake, as local improvements, the works hereinafter described;

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of The Local Improvement Act, R.S.O. 1980;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Ontario Municipal Board did, on the 26th day of June, 1992, issue Order No. E920435 approving the application of The Corporation of the City of Hamilton for:

- (a) the construction of certain works as local improvements on the initiative plan at a total estimated cost of \$9,200.00 and,
- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures in the sum of \$6,160.00.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$9,200.00.

2. The share or portion of the estimated cost of the works in the amount of \$6,160.00 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$6,160.00;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Senior Director of Roads is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 5 R.T.E.C. 22, April 14
 (1992) 9 R.F.A.C. 12, April 14

SCHEDULE "A"

The construction of sidewalks only on ACADIA DRIVE from approx. 128m south of Butler Drive to approx. 77m southerly (west side only) at the costs not exceeding those set out below:

City's Share	\$ 3,040.00
Owners' Share	<u>6,160.00</u>
TOTAL ESTIMATED COST	<u>\$ 9,200.00</u>
Estimated Cost per metre frontage	\$ 80.00
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92 -

To Authorize:

1. The construction of local improvements without petition under Section 12 of The Local Improvement Act of sidewalks and curbs on BEAVERTON AVENUE from Upper Sherman Avenue to Acadia Drive (north side only), as described in Schedule "A";
2. The special assessment to pay a portion of the cost of the works by the abutting owners;
3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.

WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 22 of the 5th Report of the Transport & Environment Committee on April 14, 1992;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 12 of the 9th Report of the Finance & Administration Committee on April 14, 1992;

AND WHEREAS it is expedient to proceed without petition to undertake, as local improvements, the works hereinafter described;

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of The Local Improvement Act, R.S.O. 1980;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Ontario Municipal Board did, on the 26th day of June, 1992, issue Order No. E920434 approving the application of The Corporation of the City of Hamilton for:

- (a) the construction of certain works as local improvements on the initiative plan at a total estimated cost of \$23,400.00 and,
- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures in the sum of \$23,400.00.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$23,400.00.

2. The share or portion of the estimated cost of the works in the amount of \$23,400.00 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$23,400.00;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Senior Director of Roads is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 5 R.T.E.C. 22, April 14
 (1992) 9 R.F.A.C. 12, April 14

SCHEDULE "A"

The construction of sidewalks and curbs on BEAVERTON AVENUE from Upper Sherman Avenue to Acadia Drive (north side only) at the costs not exceeding those set out below:

City's Share	\$ NIL
Owners' Share	<u>23,400.00</u>
TOTAL ESTIMATED COST	<u>\$ 23,400.00</u>
Estimated Cost per metre frontage	\$ 137.00
Fifteen (15) annual instalments	

BY-LAW NO. 92 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 25 (Parking Time Limits)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by deleting from **Section 7 (Three Hour Limit)** the following item, namely:-

"Biggar	South	From 500 ft. east of Sherman to 530 ft. west of Lottridge".
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and by adding thereto the following item, namely:-

"Biggar	North	commencing at a point 457 feet east of Sherman and extending to a point 293 feet west of Lottridge".
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2. **Schedule 25B (Parking Time Limits)** is hereby amended by adding to **Section 4 (One Hour Limit)** the following item, namely:-

"Barton	South	Ray to Oxford".
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and by deleting therefrom the following item, namely:-

"William	Both	Barton to Birge".
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3. **Schedule 26 (No Parking Areas)** is hereby amended by adding to **Section A (No Parking Anytime)** the following items, namely:-

"Britannia	South	Ottawa to 235 feet east
Biggar	North	Lottridge to 293 feet west
Biggar	North	Sherman to 457 feet east
Biggar	South	Sherman to Lottridge".

and by deleting therefrom the following items, namely:-

"Biggar	South	Lottridge to 500 ft. west
Biggar	South	Sherman to T.H. & B. Tracks
Biggar	North	Sherman to Lottridge
Brittania	South	Ottawa to London".

4. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Erie	East	commencing at a point 337 feet south of Main to a point 20 feet southerly therefrom	Anytime
Weir	East	commencing at a point 57 feet south of Britannia to a point 25 feet southerly therefrom	Anytime".

and by deleting therefrom the following item, namely:-

"Greig West commencing at a point 276 feet Anytime".
south of Barton to a point
27 feet southerly therefrom

PASSED THIS DAY OF , A.D. 19 .

CITY CLERK

MAYOR

BY-LAW NO. 92 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 10 (Stops at Intersections) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

*Marion	Northbound and Southbound	South Oval
Vesparl	Northbound	Megna
Donn	Northbound	Highridge".

2. Schedule 15 (Designated Traffic Lanes) is hereby amended by adding thereto the following item, namely:-

*Nebo	100 feet north of Rymal and Rymal	2nd lane from west curb	Anytime	Southerly to Easterly".
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3. Schedule 29 (No Stopping Areas) is hereby amended by adding thereto the following item, namely:-

*Toro	East	Greenhill to 70 feet south	Anytime
Whitfield	North	Gage to 72 feet west	Anytime
Arrowsmith	South	commencing at a point 272 feet west of Centennial to a point 111 feet westerly therefrom	Anytime

4. Schedule 9 (Through Highways) is hereby amended by deleting therefrom the following item, namely:-

"Rice Avenue, from the southerly limit of Sanatorium Road to northerly limit of Mohawk Road".

PASSED THIS DAY OF , A.D. 19 .

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Repeal By-law No. 88-275
To Adopt Official Plan Amendment No. 62

Respecting:

THE HAMILTON BEACH AND CONFEDERATION PARK LOCATED BETWEEN
LAKE ONTARIO, THE CITY OF STONEY CREEK, GRAY'S ROAD,
THE QUEEN ELIZABETH WAY AND THE BURLINGTON CANAL

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-275 on the 29th day of April 1988 to adopt Official Plan Amendment No. 62 respecting the Hamilton Beach and Confederation Park located between Lake Ontario, the City of Stoney Creek, Gray's Road, the Queen Elizabeth Way and the Burlington Canal;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 14th Report of the Planning and Development Committee at its meeting held on the 28th day of July 1992 recommended that By-law No. 88-275 be repealed.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 88-275 is hereby repealed.

PASSED this day of A.D. 1992.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Adopt:

Official Plan Amendment No. 113

Respecting:

LANDS LOCATED BETWEEN THE BURLINGTON CANAL, GRAY'S ROAD,
LAKE ONTARIO AND THE QUEEN ELIZABETH WAY,
WITHIN THE HAMILTON BEACH AND CONFEDERATION PARK NEIGHBOURHOODS

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 113 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1992.

City Clerk

Mayor

Amendment No. 113

to the

City of Hamilton Official Plan

The following text, together with Schedules "A" and "B", attached hereto, constitutes Official Plan Amendment No. 113.

Purpose:

The purpose of this Amendment is to incorporate changes to Schedule "A" - Land Use Concept and to "Special Policy Area 10", required as a result of the completion of the Hamilton Beach Concept Plan, the Confederation Park Master Plan and the Hamilton Beach Neighbourhood Plan.

Location:

The lands affected by this Amendment are located between the Burlington Canal, Gray's Road, Lake Ontario and the Queen Elizabeth Way, within the Hamilton Beach and Confederation Park Neighbourhoods.

Basis:

Changes are required to Special Policy Area 10 and to Policy A.2.9.3.8 due to the completion of the Hamilton Beach Concept Plan and the Confederation Park Master Plan. Further, this Amendment will provide for the implementation of the Hamilton Beach Concept Plan and the recently approved Hamilton Beach Neighbourhood Plan.

Actual Changes:

- 1) Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating portions of the Hamilton Beach Neighbourhood from:
 - "Open Space" to "Residential";
 - "Open Space" to "Commercial";
 - "Open Space" to "Major Institutional";
 - "Major Institutional" to "Open Space"; and,
 - "Major Institutional" to "Residential",

as shown on the attached Schedule "A" of this Amendment.

- 2) Subsection A.2.9.3 - Other Policy Areas be revised by deleting Policy A.2.9.3.8 in its entirety and replacing it with a new policy which reads as follows:

"Within SPECIAL POLICY AREA 10 and 10a, identified on Schedule "B", the following policies will apply:

- i) Within SPECIAL POLICY AREA 10, Council will ensure that appropriate shoreline protection measures as may be prescribed by the Ministries of Natural Resources and the Environment will be taken to mitigate flooding, erosion and pollution.
- ii) Within SPECIAL POLICY AREA 10a, which applies to those lands designated "Canal Recreation" by the approved Hamilton Beach Neighbourhood Plan, recreational-oriented and water-related commercial uses, such as theme parks, amusement parks, boating facilities, interpretive centres, craft centres, etc., will be permitted, in addition to those uses set out in Subsection A.2.4 - Open Space. This does not purport to prohibit or otherwise regulate the Hamilton Harbour Commissioners from using their lands for bona fide shipping and navigation purposes."

- 3) That Schedule "B" - Special Policy Areas be revised by:

- i) deleting lands from "Special Policy Area 10";
- ii) adding "Special Policy Area 10a"; and,
- iii) adding "Area 10a refer to policy A.2.9.3.8", in the legend,

as shown on the attached Schedule "B" of this Amendment.

Implementation:

Section D - Implementation of the Official Plan will apply to the implementation of this Amendment.

This is Schedule "1" to By-law No. 92- , passed on the day of , 1992.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

DEFERRED NO D-6
UNDER SECTION 4(3) OF
THE PLANNING ACT

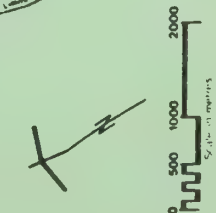


land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- special policy area
- environmental
- set numbers
- sub regional centre

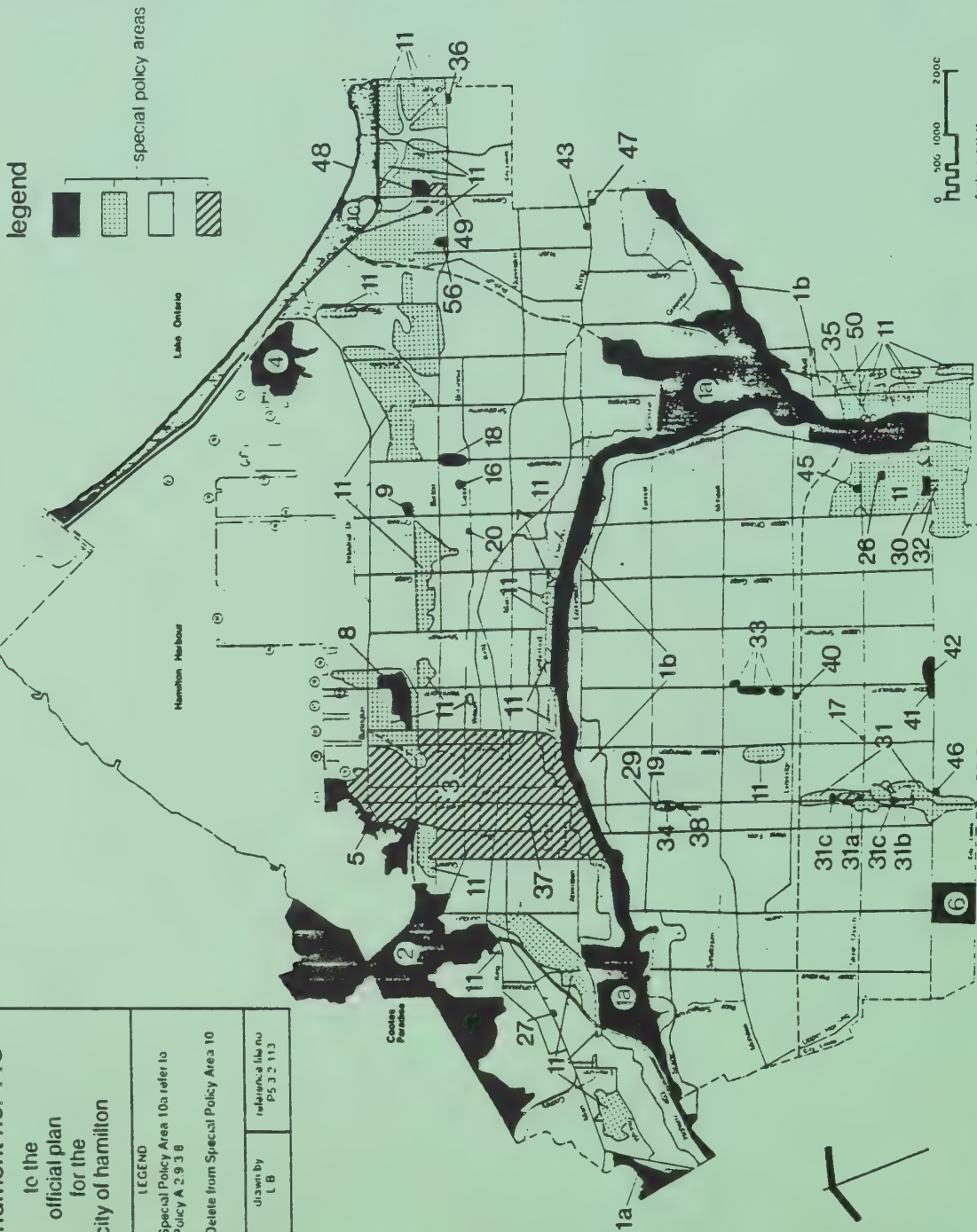
schedule A
to the official plan
of the city of hamilton
June 8, 1992



schedule B
amendment no. 113
to the
official plan
for the
city of hamilton

LEGEND
Special Policy Area 10a refer to
Policy A 2.9.3.8
Delete from Special Policy Area 10

date
July 1992
drawn by
L B
reference file no
P5.3.2.113



**special policy
areas**

REFER TO
POLICY

AREA	REFER TO POLICY
1(a)	A29.1
1(b)	A29.1
2	A29.1
3	A29.1
4	A29.31
5	A29.32
6	A29.33
7	A29.34
8	A29.35
9	A29.35
10	A29.36
11	A29.36
16	A29.314
17	A29.315
18	A29.316
19	A29.317
20	A29.318
21	A29.321
22	A29.321
23	A29.324
24	A29.324
25	A29.325
26	A29.326
27	A29.326
28	A29.326
29	A29.326
30	A29.326
31	A29.326
31(a)	A29.326
31(b)	A29.326
31(c)	A29.326
32	A29.327
33	A29.328
34	A29.328
35	A29.330
36	A29.331
37	A29.332
38	A29.333
39	A29.335
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41	A29.337
42	A29.337
43	A29.338
44	A29.340
45	A29.340
46	A29.342
47	A29.343
48	A29.344
49	A29.345
50	A29.346
51	A29.346
52	A29.346
53	A29.351
54	A29.351
55	A29.351
56	A29.351

Refer to Schedule B - 1 for Special
Policy Areas in the Downtown

schedule B
to the official plan
for
the city of hamilton

91 05 24

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

TO EXPROPRIATE LANDS THAT DO NOT CONFORM
WITH BY-LAWS PASSED UNDER SECTION 34 OF
THE PLANNING ACT, S.O. 1983, CHAPTER 1

WHEREAS Section 34 , subsection (8) of The Planning Act, S.O. 1983, Chapter 1 provides that a municipality may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under Section 34 of The Planning Act;

AND WHEREAS the lands, buildings or structures described and included in the lands described in Schedule "A" are used or erected for a purpose that does not conform with by-laws passed under Section 34 of The Planning Act;

AND WHEREAS Section 193 of The Municipal Act, R.S.O. 1980, Chapter 302 states that the Council of a municipality may pass by-laws for acquiring or expropriating any land required for the purpose of the Corporation;

AND WHEREAS on June 27, 1989, The Corporation of the City of Hamilton, as an expropriating authority, pursuant to The Expropriations Act, R.S.O. 1980, Chapter 148 did authorize an application to the Council of The Corporation of the City of Hamilton, as approving authority, for approval of the expropriation pursuant to said Section 34, subsection (8), of the lands set out in Schedule "A";

AND WHEREAS Notices of the said application as required under The Expropriations Act have been duly served in accordance with The Expropriations Act;

AND WHEREAS The Corporation of the City of Hamilton, as expropriating authority, did publish Notice of the said application in The Spectator, a newspaper having general circulation in the City of Hamilton in accordance with the said Expropriations Act;

AND WHEREAS an inquiry hearing to determine if the proposed expropriation was fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority was not requested; pursuant to the said Expropriations Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. As approving authority under The Expropriations Act, the Council of The Corporation of the City of Hamilton hereby approves the said application to expropriate the lands described in Schedule "A".
2. As expropriating authority under The Expropriations Act, The Corporation of the City of Hamilton hereby expropriates the lands described in Schedule "A" to acquire the said non conforming lands pursuant to Section 34(8) of the Planning Act, S.O. 1983, Chapter 1.

3. That the City Clerk and the proper officers of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this by-law and this authority shall include the taking of all necessary proceedings to enter and take possession of the lands herein expropriated.

PASSED this day of , A.D. 1992.

ROBERT M. MORROW - Mayor

J. J. SCHATZ - City Clerk

SCHEDULE "A"

Part of Lots 11 and 12, Registered Plan 547, designated as Part 5;
Part of Lot 12, Registered Plan 547, designated as Part 2; and
Part of Reserve, Registered Plan 547, designated as Part 4;
All on Plan 62R-10273, City of Hamilton, Regional Municipality of Hamilton-
Wentworth

(File 55-80/91.11, Item No.____,

Committee,____-92,Council 92.)

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 84-34

Respecting:

LAND LOCATED AT MUNICIPAL NO. 209 LIMERIDGE ROAD EAST

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 84-34 on the 14th day of February 1984 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "G" (Neighbourhood Shopping Centre, etc.) District, in respect of the land located in the area north of Limeridge Road East and west of Upper Wellington Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 9th day of April 1985;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 10 of the 13th Report of the Planning and Development Committee at its meeting held on the 28th day of July 1992, recommended that Zoning By-law No. 6593, as amended by By-law No. 84-34 be further amended to establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "G" (Neighbourhood Shopping Centre) District provisions, as contained in Section 13 of Zoning By-law No. 6593, as amended by By-law No. 84-34, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

- (a) Section 2(a)(ii) of By-law No. 84-34 is amended by adding the numeral "(iv)" after "(iii)" in the second line thereof.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-852a.

4. Sheet No. E-9A of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-852a.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

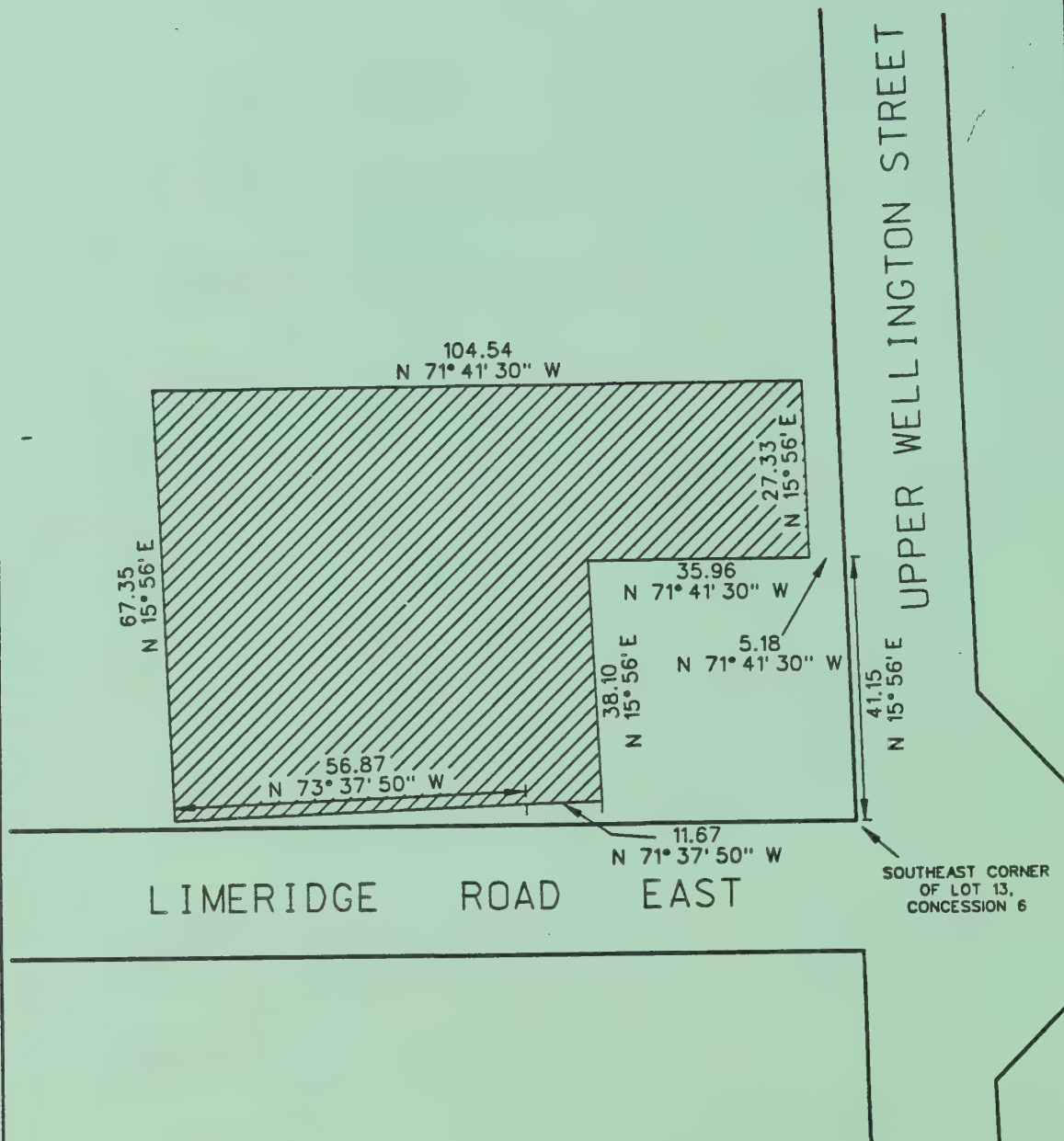
day of

A.D. 1992.

City Clerk

Mayor

(1992) 13 R.P.D.C. 10, July 28
870964 Ontario Limited
(Domenic DiBernardo), Owner
ZA-92-21



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-____
Passed the _____ day of _____, 1992.

Clerk

Mayor

City of Hamilton
Schedule A
Map Forming Part of
By-Law No. 92-____
to Amend By-Law No. 6593
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 92-____

North 	Scale NOT TO SCALE Date JULY 1992	Reference File No. ZA-92-21 Drawn By H.V.
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The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593
As Amended By By-law No. 81-20

Respecting:

HOME OCCUPATION

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 81-20 on the 13th day of January 1981 to amend General Zoning By-law No. 6593 to substitute a revised definition of "Home Occupation", which amending by-law was approved by the Ontario Municipal Board by Order dated the 10th day of April 1981;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 5 of the 13th Report of the Planning and Development Committee at its meeting held on the 28th day of July 1992, recommended that By-law No. 6593, as amended by By-law No. 81-20, be further amended to provide for a revised definition of "Home Occupation";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 2.(2)H.(iii) of By-law No. 6593, as amended by By-law No. 81-20, is further amended as follows:

- (i) by deleting the preamble "but does not include an incidental and secondary use that consists of," and deleting clauses (h), (i), (j) and (k);
- (ii) by inserting new clauses (h) and (i) as follows:
 - "(h) shall include an incidental and secondary use, limited to not more than:
 - 1. one hairdresser or one barber;
 - 2. one comb-out centre; and
 - 3. one hair styling sink;
 - (i) shall not include an incidental and secondary use that consists of:
 - 1. motor vehicle repairs, auto body repairing and painting of motor vehicles; and
 - 2. keeping of scrap and salvage material."

2. Subsection 3.(3) of By-law No. 6593, is amended by deleting clause (i) and replacing it with new clauses (ia), (ib) and (ic), as follows:

"(ia) A home occupation, except that hairdressing or barbering home occupations shall not be permitted within a "B" (Suburban Agriculture and Residential, etc.), "B-1" (Suburban Agriculture and Residential, etc.), or "B-2" (Suburban Residential) District;

(ib) Private home day care;

(ic) The keeping of small animals or fowl not primarily for gain;"

3. In all other respects, By-law No. 6593, as amended, is hereby confirmed, unchanged.

4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1992) 13 R.P.D.C. 5, July 28
CI-92-B

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE SOUTH SIDE OF RYMAL ROAD EAST
AND WEST OF THE PROPOSED EXTENSION OF UPPER WELLINGTON STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-9D and E-9E of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, the land comprised in Block 1, and
- (b) by changing from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. The "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C of Zoning By-law No. 6593, applicable to the lands referred to in section 1(b) are amended to the extent only of the special requirements that,

- (a) notwithstanding Sections 10C and 10E of By-law No. 6593, no building or structure except a fence, shall be set back less than 21.0 m from the westerly lot line of Block 2, except for the land adjacent to the easterly lot line of Block 1 which shall be set back not less than 6.0 m;
- (b) a landscaped area not less than 21.0 m in width shall be provided and maintained along the westerly lot line of Block 2, except for the land adjacent to the easterly lot line of Block 1 which shall have a width of not less than 6.0 m;
- (c) Section 10E(2)(a)3. of By-law No. 6593 shall not apply to the land fronting onto Rymal Road East or Upper Wellington Street, located in Block 2,

- (d) a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line of Block 2.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-3" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1278.

5. Sheets No. E-9D and E-9E of the District Maps are amended by marking the lands referred to in section 1(b) of this by-law, S-1278.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

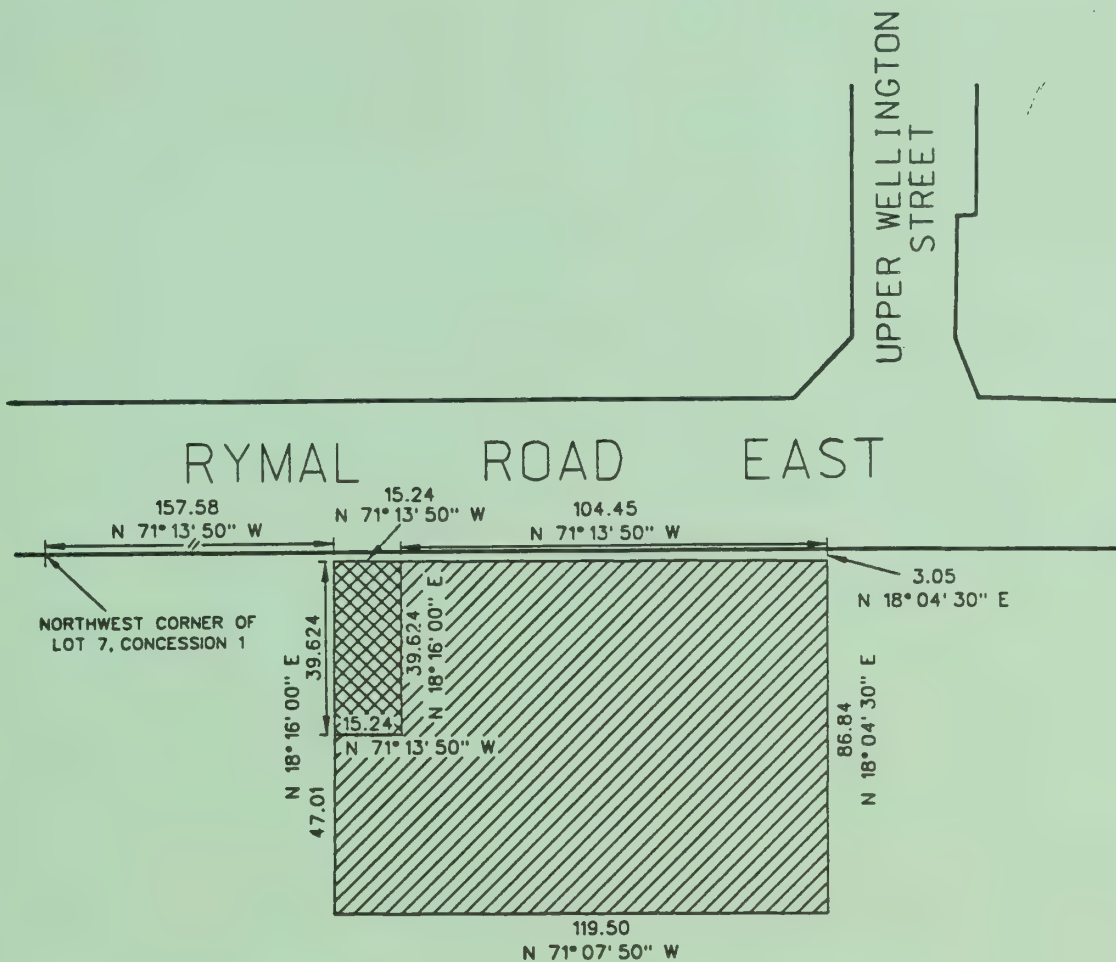
day of

A.D. 1992.

City Clerk

Mayor

(1992) 13 R.P.D.C. 6, July 28,
200 Rymal Road Inc.,
(John A. Parente), Owner
Amended ZA-91-76



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-____
Passed the _____ day of _____, 1992.

Clerk

Mayor

City of Hamilton
Schedule A
Map Forming Part of
By-Law No. 92-_____
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend
Change in zoning from "AA" (Agricultural) District to:
BLOCK 1 "C" (Urban Protected Residential, etc.) District
BLOCK 2 "DE-3" (Multiple Dwellings) District, modified

North	Scale NOT TO SCALE	Reference File No. ZA-91-76
	Date AUGUST, 1992	Drawn By H.V.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Remove
Land within the Edan Heights, Phase 2 Subdivision, Plan 62M-705
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

All lots and blocks of land within Registered Plan Number 62M-705, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1992.

City Clerk

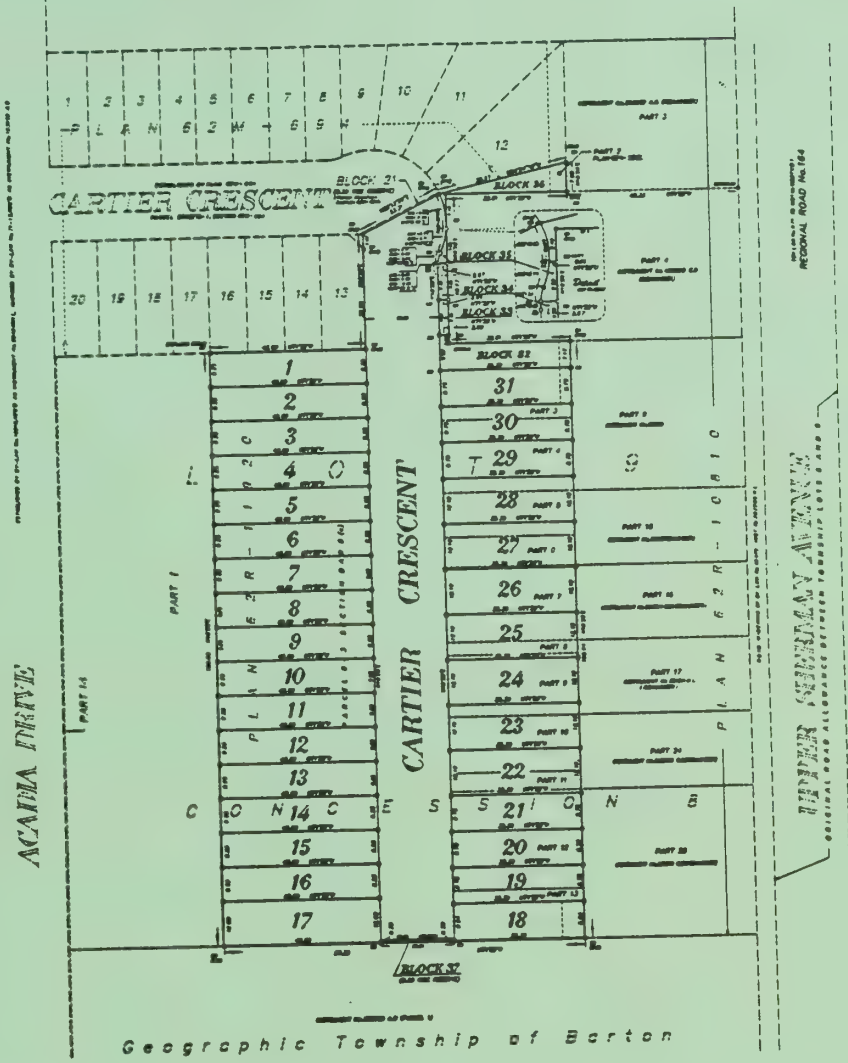
Mayor

M-705

Plan of Edan Heights phase two

PART OF LOT 9 - CONCESSION B
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
P.J. Sturdy O.L.S. 1992

CERTIFICATE OF REGISTRATION
I, the undersigned, being a duly qualified and sworn-in Surveyor of the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
P.J. Sturdy
Surveyor of the Province of Ontario



Surveyor's Certificate:

I, the undersigned, being a duly qualified and sworn-in Surveyor of the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.

Surveyor's Certificate:

I, the undersigned, being a duly qualified and sworn-in Surveyor of the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.

Notes:

- 1. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 2. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 3. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 4. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 5. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 6. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 7. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 8. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 9. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 10. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 11. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 12. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 13. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 14. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 15. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 16. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 17. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 18. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 19. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 20. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 21. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 22. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 23. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 24. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 25. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 26. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 27. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 28. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 29. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 30. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.
- 31. The plan is a true and correct copy of the original plan as registered in my office on the 1st day of May 1992.

Attest:
A. J. Clarke and Associates Ltd.
Surveyors of the Province of Ontario

COMPILED PLAN

SHOWING

PART OF LOTS 2 TO 17, 19 TO 31 (INCLUSIVE)

AND PART OF BLOCK 32

EDAN HEIGHTS-PHASE 2 - PLAN 62M -

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE = 1 : 750

0 5 10 20 30 40 metres

P.J.SHEEHY O.L.S.

1992

CARTIER
CRESCENT

SCHEDULE					
PART	LOT	PART	LOT	PART	LOT
1	2	11	12	21	23
2	3	12	13	22	24
3	4	13	14	23	25
4	5	14	15	24	26
5	6	15	16	25	27
6	7	16	17	26	28
7	8	17	18	27	29
8	9	18	19	28	30
9	10	19	20	29	31
10	11	20	21	30	32

PLAN 62R--

RECEIVED AND DEPOSITED

DATE

LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF WENTWORTH (No. 82)

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT

DATE

GEORGE WROUSE

PARTS 1 TO 30 INCLUSIVE - PART OF
PARCEL PLAN-1, SECTION 82M-

ACADIA DRIVE

LOT 9 CONCESSION B

Geographic Township of Barton

PART 1 PLAN 62R-11920

1
2 PART 1
3 PART 2
4 PART 3
5 PART 4
6 PART 5
7 PART 6
8 PART 7
9 PART 8
10 PART 9
11 PART 10
12 PART 11
13 PART 12
14 PART 13
15 PART 14
16 PART 15
17 PART 16

CARTIER CRESCENT
(CONTINUED BY PLAN 62M-1)

BLOCK 35
BLOCK 34
BLOCK 33

PART 30 BLOCK 32
PART 29 31
PART 28 30
PART 27 29
PART 26 28
PART 25 27
PART 24 26
PART 23 25
PART 22 24
PART 21 23
PART 20 22
PART 19 21
PART 18 20
PART 17 19
18

PART 4

PART 9

PART 10

PART 16

PART 17

PART 24

PART 25

Geographic Township of Barton

PLAN 62R-10810

UPPER SHERMAN AVENUE
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9

REGIONAL ROAD No. 184

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILED
BASED ON DATA DERIVED FROM PLAN 62M-

DATE

P.J.SHEEHY

O.L.S.

NOTE

1. ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF
LOTS AND BLOCKS SHOWN IN SCHEDULE
2. ALL PARTS HAVE A PERPENDICULAR WIDTH OF 1.3 m
3. FRONT AND REAR LIMITS OF ALL PARTS ARE PARALLEL

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION

THIS PLAN IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING ACT



A. J. Clarke and Associates Ltd.

CHARTERED LAND SURVEYORS - GENERAL ENGINEERS

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Authorize:

RESTORATION OF STEAM MUSEUM PUMPHOUSE

WHEREAS the Ontario Municipal Board by Order dated the 26th day of June, 1992, (File No. E 920488), approved,

- (a) the restoration of the Steam Museum Pumphouse (and chimney) at an estimated cost of \$550,000, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$550,000 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as the Steam Museum Pumphouse Restoration may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 26th day of June, 1992.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Authorize:

HARBOURFRONT PARK REMEDIAL ACTION - STAGE 2

WHEREAS the Ontario Municipal Board by Order dated the 26th day of June, 1992, (File No. E 920491), approved,

- (a) the capping of Harbourfront Park as required by the Ministry of the Environment, at an estimated cost of \$1,590,000, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$1,590,000 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as the Harbourfront Park Remedial Action Plan - Stage 2 may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 26th day of June, 1992.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 4 R.C.W. 1, March 27

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Authorize:

MAJOR MAINTENANCE TO CIVIC BUILDINGS

WHEREAS the Ontario Municipal Board by Order dated the 26th day of June, 1992, (File No. E 920486), approved,

- (a) the major maintenance to civic buildings at an estimated cost of \$300,000, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$300,000 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as Major Maintenance to Civic Buildings may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 26th day of June, 1992.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 4th R.C.W. 1 , March 27

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Authorize:

CONSTRUCTION OF T. B. McQUESTON PARK

WHEREAS the Ontario Municipal Board by Order dated the 26th day of June, 1992, (File No. E 920490), approved,

- (a) the planning, design and construction of T. B. McQueston Park as a horticultural park at an estimated cost of \$14,853,000, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$7,353,000 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

- 1. The undertaking described as the T. B. McQueston Park may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 26th day of June, 1992.
- 2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 4 R.C.W. 1 March 27

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Authorize:

BASEBALL FACILITIES DEVELOPMENT

WHEREAS the Ontario Municipal Board by Order dated the 26th day of June, 1992, (File No. E 92053), approved,

- (a) the development of sports facilities at Olympic Park and Turner Farm Park at an estimated cost of \$1,500,000, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$1,500,000 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as the Baseball Facilities Development may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 26th day of June, 1992.
2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 4 R.C.W. 1 March 27

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Authorize:

RENOVATION TO THE CENTRAL LIBRARY

WHEREAS the Ontario Municipal Board by Order dated the 6th day of July, 1992, (File No. E920489), approved,

- (a) the renovation of the first floor of Hamilton Central Library at an estimated cost of \$542,000, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$542,000 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as First Floor Renovations - Central Library may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 6th day of July, 1992.
2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 4 R.C.W. 1 March 27

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Authorize:

THE EXPANSION OF THE CONCESSION STREET LIBRARY

WHEREAS the Ontario Municipal Board by Order dated the 6th day of July, 1992, (File No. E92410), approved,

- (a) the expansion of the Concession Street Library at an estimated cost of \$1,924,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$1,924,000.00 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as the expansion of the Concession Street Library may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 6th day of July, 1992.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 4 R.C.W. 1, March 27

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW No. 92-

To Amend

BY-LAW No. 79-323

Respecting

FLEA MARKETS

WHEREAS Schedule 43 of By-Law No. 79-323, as amended, provides for the licensing of Flea Markets in the City of Hamilton;

AND WHEREAS it is desirable and expedient to amend the licence fees for flea market owners, effective January 1, 1992, and to provide refunds for the licences issued in 1992;

AND WHEREAS it is desirable and expedient to require that flea market owners ensure individual stallholders have obtained a licence under the by-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Paragraph 1 of Section 10 of Schedule 43 of By-law No. 79-323, as amended, is repealed, and the following is substituted therefor:

" 1. For a Flea Market Owner \$400.00."
2. Section 1 of this By-law shall have an effective date of January 1, 1992, and refunds shall be issued to licence holders who have paid a higher fee for a 1992 Flea Market Owner's licence.
3. Schedule 43 of By-law No. 79-323 is further amended by adding the following section immediately after section 3 of the Schedule:

" 3a. A flea market owner, before agreeing to make a stand available for a stallholder's business, shall require the stallholder to produce a current and valid licence for a stand in the market, issued under this Schedule."

PASSED this day of , 1992.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend Schedule 22 to Licensing By-law No. 79-323

Respecting:

TRANSIENT VENDORS

WHEREAS Schedule 22 to Licensing By-law No. 79-323 provides for the licensing transient vendors, being vendors not on the assessment roll for business tax and other transient traders; and

WHEREAS Paragraphs 16 and 17 of Section 236 of the Municipal Act, R.S.O. 1990, c. M.45 provides that the council of a municipality may pass by-laws for the licensing of transient vendors; and

WHEREAS it is desirable and expedient to clarify the need for a licence for each location used by a transient vendor, and to clarify the businesses included in the definition of transient vendors; and

FURTHER WHEREAS it is desirable and expedient to amend Schedule 22 to reflect the current provisions of the Municipal Act, and to consolidate the amendments to Schedule 22 into one document, as recommended by the Comprehensive Audit of the Licence Division, approved by Council on June 25, 1991;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Schedule 22 of By-law No. 79-323 as amended, be repealed, and the following substituted therefor:

SCHEDULE 22

TRANSIENT VENDORS

1. In this schedule,

(a) "trade" means trade, business, calling or occupation;

(b) "transient vendor" means a person who offers goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offers them for sale in any other manner, and includes,

(i) persons whose names have not been entered on the assessment roll, in respect of business assessment for the then current year; or

(ii) a transient trader.

(c) "transient trader" includes any person commencing business in the City of Hamilton who has not resided continuously in the City for at least three months next preceding the time of commencing such business there.

(d) A person who commences business by the display or offering of goods, wares or merchandise for sale at a particular location, may still qualify as a transient vendor, whether or not the trade is conducted with the use of a building or fixtures.

2. Every transient vendor shall obtain and maintain in good standing a licence authorizing the transient vendor to carry on or engage in his trade, for each location from which the vendor's trade will be carried on.

3. No transient vendor shall commence the sale of goods, wares or merchandise until a licence has been issued under section 2.

4. Every applicant for a licence or a renewal thereof shall make the application in person and not by an agent or representative.

5. Every transient vendor shall pay a licence fee before commencing his trade.

6. No licence shall be issued where the fee has not been paid in full at the time of making the application.

7.(1) Every applicant for a transient trader's licence shall as part of the application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that the transient trader proposes to sell or offer for sale under such licence.

(2) A licence issued under subsection (1) is only permission for the particulars supplied by the applicant under this section, and any change in the classes of goods sold will require a new or separate application.

8.(1) The licence fee required to be paid shall be as follows:

1. Subject to paragraph 2, for a Transient Vendor, for a three-month period or part thereof, the fee shall be \$500.00.

2. For a Transient Vendor who is a farmer resident in Ontario offering for sale only the produce of his or her own farm, for a three month period or part thereof, the fee shall be \$5.00.

(2) The licenses issued under (1) shall expire three months from the date of issuance.

(3) The sum paid for a licence shall be credited to the person paying it, or to any purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

(4) Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.

9. This by-law does not apply to:

(a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock; and

(b) The sale of a business to a purchaser who continues the business.

2. A transient vendor's licence issued under the prior Schedule 22 which has not expired, shall not be affected by the amendments in section 1 until the expiry of the licence term, or until the licence is sooner revoked or suspended.

PASSED this day of A.D. 1992.

City Clerk

Mayor

BY-LAW NO. 92 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 25TH DAY OF AUGUST A.D., 1992.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this day of A.D. 1992

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CA4 ON HBL AOS
A31
1992



Urban/Municipal Collection
2nd Floor
Hamilton Public Library

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1992 September 29
7:30 o'clock p.m.
Council Chambers, City Hall**

**S. G. Hollowell
Acting City Clerk**

AGENDA

1. National Anthem

2. Opening Prayer

Reverend Lewis H. Worrad, Jr.
Philpott Memorial Church

3. Presentations

- (a) Certificate of Recognition for Philpott Memorial Church 100th Anniversary
- (b) Certificate of Recognition for the Master Bowlers Association of Canada National 5 Pin Championships
- (c) Hamilton Synchronized Swim Team
- (d) Hamilton and District Ten Pin Bowling Association
- (e) Asian All Star Bowling Championships held in Malaysia
- (f) Canadian Forces involved in United Nations Peacekeeping - Blue and White Ribbon Campaign

4. Proclamations

- (a) Hamilton and District Extend-a-Family Week - 1992 September 13 - 19

URBAN MUNICIPAL
OCT 2 1992
GOV'TMENT DOCUMENTS

Sept: 29/92

MINUTES

Hamilton City Council
1992 August 25
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met.

Present: Mayor Robert M. Morrow

Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino,
Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico

Absent: Alderman McCulloch - Civic Business

City Council commenced with the playing of the National Anthem.

* * * * *

Reverend Yu-Rak Kim, Korean United Church led Council in prayer.

* * * * *

The minutes of the meeting held 1992 July 28 were adopted as circulated.

* * * * *

Correspondence:

1. Memorandum dated 1992 August 19 from J. J. Schatz, City Clerk to Members of City Council regarding the Supplementary Clerk's Statement on Candidates Disclosure.

Received.

2. Letter dated 1992 August 5 from the Town of Kincardine respecting Public Sector Pension Funds.

Referred to the Finance and Administration Committee

3. Application dated 1992 August 4 from Robert J. Charko, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family Townhouses, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for 174 Ferguson Avenue South, Hamilton, Ontario.

Received.

4. Application dated 1992 July 29 from Ernie and Thom Schoenholz, Hamilton, Ontario for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at No. 719 Knox Avenue, Hamilton, Ontario.

Received.

5. Application dated 1992 August 4 from Elia Homes, 810379 Ontario Inc., Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District modified for property at No. 1324 Upper Sherman Avenue, Hamilton, Ontario.

Received.

6. Application dated 1992 August 5 from 603815 Ontario Inc., Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "HH" (Restricted Community Shopping and Commercial District modified for property at No. 1492 Upper James Street, Hamilton, Ontario.

Received.

7. Application dated 1992 August 5 from Peter Esposto, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for property at No. 9 Brantdale Avenue, Hamilton, Ontario.

Received.

8. Application dated 1992 August 9 from Mike Anderson, Hamilton, Ontario for a further modification to the "H" (Community Shopping and Commercial, etc.) District for No. 217 Cannon Street East, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee, and the Finance and Administration Committee be now considered in Committee of the Whole with Alderman Agro in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico -16.

NAYS: -0.

CARRIED.

* * * * *

TRANSPORT AND ENVIRONMENT COMMITTEE - NINTH REPORT

Section 21 Re: Banners Over Main Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, Drury, Morelli, Wilson, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico-13.

NAYS: Alderman Copps-1.

CARRIED.

Section 15 Re: 643 Rymal Road West.

Alderman D'Amico declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman D'Amico's father has a financial interest in lands immediately adjacent to the subject property.

* * * * *

It was moved by Alderman Ross and seconded by Alderman Charters that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to allow consideration of a recommendation respecting authorization to attend a conference.

CARRIED.

* * * * *

Section 20 Re: 1992 Conference on Governmental Ethics Laws.

It was moved by Alderman Ross and seconded by Alderman Charters that the following be added as Section 20 of the Seventeenth Report for 1992 of the Finance and Administration Committee:

20. (a) That Alderman V. Agro be authorized to attend the 1992 Conference on Governmental Ethics Laws being held 1992 September 22-25, at the Hilton International in Toronto, and
- (b) That the estimated cost of approximately \$1,200. be charged to Legislative Travel Account CH 55201 - 10010.

CARRIED.

* * * * *

It was moved by Alderman Agostino and seconded by Alderman Jackson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to consider a resolution respecting Bill C-330.

CARRIED.

* * * * *

Section 21 Re: Bill C-330 - An Act to Amend the Criminal Code and Parole Act.

It was moved by Alderman Agostino and seconded by Alderman Jackson that the following be added as Section 21 of the Seventeenth Report of the Finance and Administration Committee:

21. (a) That the City of Hamilton endorse the intent of Bill C-330, an Act to Amend the Criminal Code and Parole Act, and ask the Members of Parliament in the House of Commons of all political parties to support the Bill and ensure quick implementation of the legislation, and
- (b) That this be circulated to all area MP's and a copy be sent to the Office of the Prime Minister." **CARRIED.**

* * * * *

It was moved by Alderman Ross and seconded by Alderman Charters that Section 26 of the Fourteenth Report for 1992 of the Finance and Administration Committee approved by City Council on 1992 June 30 respecting caretaking services at various recreation centres during 1992, 1993, 1994 be reconsidered. **CARRIED.**

* * * * *

It was moved by Alderman Ross and seconded by Alderman Charters that Section 26 of the Fourteenth Report for 1992 of the Finance and Administration Committee be amended by deleting all references to September 1, 1992 and inserting in lieu thereof "October 5, 1992." **CARRIED.**

* * * * *

It was moved by Alderman Ross and seconded by Alderman Charters that Section 26 of the Fourteenth Report for 1992 of the Finance and Administration Committee be approved as amended. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Alderman D. Ross be appointed as Acting Mayor for the month of September, 1992. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee and the Finance and Administration Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

A-62, A-63, A-64, A-65, A-66, A-67.

C-85, C-86, C-87, C-88, C-89, C-90, C-91.

H-51, H-52, H-53, H-54, H-55, H-56, H-57, H-58, H-59, H-60.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Agro in the chair. (second reading).

A-62, A-63, A-64, A-65, A-66, A-67.

C-85, C-86, C-87, C-88, C-89, C-90, C-91.

H-51, H-52, H-53, H-54, H-55, H-56, H-57, H-58, H-59, H-60.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico -16.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

A-62, A-63, A-64, A-65, A-66, A-67.

C-85, C-86, C-87, C-88, C-89, C-90, C-91.

H-51, H-52, H-53, H-54, H-55, H-56, H-57, H-58, H-59, H-60.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted. -

A-62, A-63, A-64, A-65, A-66, A-67.

C-85, C-86, C-87, C-88, C-89, C-90, C-91.

H-51, H-52, H-53, H-54, H-55, H-56, H-57, H-58, H-59, H-60.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-62, A-63, A-64, A-65, A-66, A-67.

C-85, C-86, C-87, C-88, C-89, C-90, C-91.

H-51, H-52, H-53, H-54, H-55, H-56, H-57, H-58, H-59, H-60.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico -16.

NAYS: -0.

CARRIED.

* * * * *

1992 August 25

City Council then adjourned at 8:15 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz
City Clerk

1992 August 25

CORRESPONDENCE

Correspondence:

1. Letter dated 1992 August 28 from the Regional Municipality of Waterloo respecting New Legislation for Beverage Containers.

Recommendation: **Be Referred to the Transport and Environment Committee.**

2. Application dated 1992 September 15 from 394553 Ontario Limited c/o Mr. John and Dan Pasquale, Hamilton, Ontario for a modification to the "H" (Community Shopping and Commercial, etc.) District regulation for property at Nos. 664-682 Concession Street, Hamilton, Ontario.

Recommendation: **Be Received.**

3. Application dated 1992 September 15 from Allan T. McGuirl and Florrie McGuirl, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District for Block "2" for property located at the rear of 614 Stone Church Road East, Hamilton, Ontario.

Recommendation: **Be Received.**

4. Application dated 1992 September 14 from Pane Del Sole Bakery, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District for 150 Catherine Street North, Hamilton, Ontario.

Recommendation: **Be Received.**

5. Application dated 1992 September 16 from Frank and Filomena Ricci, Hamilton, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District regulations for property located at No. 21 Dunsmure Road, Hamilton, Ontario

Recommendation: **Be Received.**

6. Application dated 1992 September 17 from Shedaco Holdings Limited, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located at No. 625 Rymal Road West, Hamilton, Ontario.

Recommendation:

Be Received.

7. Application dated 1992 September 21 from 766284 Ontario Limited, Oakville, Ontario for a change in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified for Blocks "1" and "2" and from "G-3" (Public Parking Lots) District, modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) (District, modified for Block "3" for lands at the rear of No. 141 Queenston Road, Hamilton, Ontario.

Recommendation:

Be Received.

8. Letter from S. G. Hollowell, Acting City Clerk respecting an objection to By-law No. 92-197 respecting property within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue North. (previously distributed)

Recommendation:

Be Received.



The
REGIONAL
MUNICIPALITY
of WATERLOO

REGION,
Evi

1.

Marsland Centre, Waterloo, Ontario

Telephone: (519) 885-9410

FAX: (519) 885-1436

August 28, 1992

TO: CLERKS OF MUNICIPALITIES (20,000+)

Dear Sir/Madam:

Please take appropriate action with respect to the
attached Resolution regarding New Legislation for Beverage
Containers.

Thank You.

Yours truly,

Evelyn Stettner, CMC, CMO
Regional Clerk

ES/cjw
Attach.

OFFICE OF THE CITY CLERK	
SEP 04 1992	
REC. BY <i>JS</i>	DATE <i>09/04/92</i>
REF'D. TO	DATE
REF'D. TO	DATE
REF'D. TO	DATE
ACTION:	



The
REGIONAL
MUNICIPALITY
of WATERLOO

REGIONAL CLERK'S DEPARTMENT
Evelyn L. Stettner, CMO
Regional Clerk

Marsland Centre, Waterloo, Ontario N2J 4
Telephone: (519) 885-9
FAX: (519) 885-1

August 28, 1992
File: E21-00

The Honourable Bob Rae
Premier of Ontario
Room 281 Main Building
Legislative Building, Queen's Park
TORONTO, Ontario
M7A 1A1

Dear Sir:

RE: New Legislation for Beverage Containers

This is to inform you that the Council of the Regional Municipality of Waterloo, at its regular meeting held on August 27, 1992, approved the following:

THAT the Regional Municipality of Waterloo adopt the following resolution:

WHEREAS the Province of Ontario is currently considering new legislation for beverage containers,

AND WHEREAS all containers will continue to contribute to litter problems, thereby leading to increased municipal costs unless all containers are accompanied by a deposit,

BE IT THEREFORE RESOLVED THAT the Government of the Province of Ontario be urged to promote the use of refillable containers as much as possible, and implement a refundable deposit program for non-refillable beverage containers to encourage the recycling of them,

AND FURTHER that this resolution be circulated to the Premier of Ontario, the Minister of the Environment, the Minister of Municipal Affairs, Ontario Association of Municipal Recycling Coordinators, the Association of Municipalities of Ontario, the Ontario Soft Drink Association, and all Ontario municipalities with a population in excess of 20,000 with a request to endorse the resolution.

Thank you for your consideration of this important issue.

Yours truly,



ES/cjw

Evelyn Stettner, CMO, CMC
Regional Clerk

cc: The Honourable Ruth Grier, Minister of the Environment
The Honourable David Cooke, Minister of Municipal Affairs
Ontario Association of Municipal Recycling Coordinators
Association of Municipalities of Ontario
Ontario Soft Drink Association
✓Ontario Municipalities with population over 20,000
K. Seiling, Regional Chair
G.A. Thompson, Chief Administrative Officer
W. Pyatt, Commissioner of Engineering
J. Colonna, Director, Solid Waste

A

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **TENTH** Report for 1992 and respectfully recommends:

1. (a) That the existing yield signs for westbound traffic on Dalkeith Avenue, Craigmiller Avenue and Cluny Avenue at Rosslyn Avenue North be replaced with stop signs; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
2. (a) That eastbound traffic on Unsworth Drive be required to stop for northbound traffic on Lancing Drive and southbound traffic on Hempstead Drive; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
3. (a) That eastbound traffic on Florence Street be required to stop for northbound and southbound traffic on Ray Street; and
(b) That westbound traffic on Market Street be required to stop for northbound and southbound traffic on Ray Street; and
(c) That the existing eastbound and westbound stop control at the intersection of Ray Street and Peter Street be switched such that northbound and southbound traffic on Ray Street would be required to stop for eastbound and westbound traffic on Peter Street; and
(d) That a "No Stopping" regulation be implemented on the west side of Ray Street commencing at Napier Street and extending to a point 83 feet northerly therefrom; and
(e) That a "No Stopping" regulation be implemented on the west side of Ray Street commencing at Napier Street and extending to a point 42 feet southerly therefrom; and
(f) That the City Traffic By-law No. 89-72 be amended accordingly.

1992 September 29

4.
 - (a) That three-way stop control be implemented at the intersection of Lawnview Drive and Lawnhurst Drive; and
 - (b) That southbound traffic on Ling Street be required to stop for eastbound and westbound traffic on Lawnhurst Drive; and
 - (c) That eastbound traffic on Lesterwood Street be required to stop for northbound and southbound traffic on Ling Street; and
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly.
5.
 - (a) That three-way stop control be implemented at the intersection of Berkindale Drive and Varga Drive; and
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
6.
 - (a) That the existing "Alternate Side Parking" regulation on Connaught Avenue North between Beechwood Avenue and the south end be replaced with a "No Parking" regulation on the west side and unrestricted free parking on the east side; and
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
7.
 - (a) That a "No Parking" regulation be implemented on the west side of Gurnett Gate between Gurnett Drive and Stone Church Road West; and
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
8. That the Director of Traffic Services be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first six eligible applicants residing in the apartment building at No. 86 Tisdale Street South.
9. That the Director of Traffic Services be authorized to issue upon request one Time Limit Exemption Permit to each of the first two eligible applicants residing in the apartment building at No. 66 Stinson Street.

1992 September 29

10. (a) That the existing "Permit Parking" regulation on the west side of Fairfield Avenue, which commences at a point 173 feet north of Britannia Avenue and extends to a point 20 feet northerly therefrom be removed; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
11. (a) That a "Permit Parking" regulation be implemented on the west side of Walnut Street South commencing at a point 91 feet south of Forest Avenue and extending to a point 20 feet southerly therefrom; and
(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. John Spero, No. 192 Walnut Street South; and
(c) That the City Traffic By-law No. 89-72 be amended accordingly.
12. (a) That a "Permit Parking" regulation be implemented on the north side of Picton Street West commencing at a point 204 feet west of MacNab Street North and extending to a point 23 feet westerly therefrom; and
(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Victor Bango, No. 52 Picton Street West; and
(c) That the City Traffic By-law No. 89-72 be amended accordingly.
13. (a) That a "No Stopping, 7:00 a.m. to 9:00 a.m., Monday to Friday" regulation be implemented on the east side of Bay Street South between Aberdeen Avenue and Markland Street; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.

1992 September 29

14. (a) That in accordance with the request by the Hamilton Street Railway Company:

i. The following new bus stops be approved:

Route 56 Confederation Park

Inbound - Van Wagner's Beach Road, south side, 2,792 feet west of the centre line of Nash Road (M/B).

Inbound - Van Wagner's Beach Road, south side, 1,102 feet west of the centre line of Nash Road (M/B).

Outbound - Van Wagner's Beach Road, north side, 1,102 feet west of the centre line of Nash Road (M/B).

Outbound - Van Wagner's Beach Road, north side, 2,667 feet west of the centre line of Nash Road (M/B).

ii. The following bus stop removal be approved:

Route 56 Confederation Park

Inbound - Van Wagner's Beach Road, south side immediately west of Nash Road (N/S).

(b) That the City Traffic By-law No. 89-72 be amended accordingly.

1992 September 29

15. (a) That in accordance with the request by the Hamilton Street Railway Company:

- i. The following new bus stops be approved:

Route 24 Upper Sherman

Outbound - Beaverton Drive, north side, 100 feet west of the centre line of Upper Sherman Avenue (M/B).

Outbound - Acadia Drive, west side, 446 feet south of the south curb line of Butler Drive (M/B).

Inbound - Acadia Drive, south side, 92 feet west of the centre line of Upper Sherman Avenue (M/B).

- ii. the removal of the following bus stop be approved:

Route 24 Upper Sherman

Inbound - Beaverton Drive, south side, 302 feet west of the centre line of Upper Sherman Avenue (M/B).

- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

16. That in accordance with Section 15 (1) of the Police Services Act, 1990, the following persons be appointed as Parking Control Officers:

Gregory Bartolotta

Michael Disanza

Douglas Eldridge

Melissa Gould

Nicholas Valenti

Joanne Wigmore

1992 September 29

17. (a) That a School Crossing Guard be assigned to the intersection of Emperor Drive and Upper Wentworth Street during the morning and evening school crossing periods only on a permanent basis; and
- (b) That the School Crossing Guard located at Upper Wentworth Street and Vickers Road be removed upon the installation of the traffic signal at Upper Wentworth Street and Franklin Road.
18. That the application of A. Lutchin, agent for the Hamilton Air Show (150 King Street East, Hamilton) to display a promotional banner across Main Street West, in front of City Hall from Monday, 1993 June 14 to Monday, 1993 June 21 with the following message, be approved:

"Big 'V' Drug Stores Hamilton International Air Show"

19. That the application of L. Vamos, agent for FISU Women's Soccer (World University Games) (McMaster University, Hamilton) to display a promotional banner across Main Street West in front of City Hall from 1993 July 5 to 1993 July 12, with the following message, be approved:

**"World University Games - City of Hamilton and McMaster University
Host the First Women's Soccer Championship - July 8 to 18"**

20. That the application of H. Russell, agent for the Bank of Montreal (1 James Street North, Hamilton) to display a promotional banner across Main Street West in front of City Hall from 1993 November 29 to 1993 December 6 with the following message, be approved:

"A Historic Celebration - Bank of Montreal in Hamilton - 150 Years"

21. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of D. Vivien, agent for Copps Coliseum/H.E.C.F.I. (101 York Boulevard, Hamilton) to display a promotional banner across Main Street West in front of City Hall from 1992 September 28 to 1992 October 5 with the following message:

**"World Figure Skating Champions Victor Petrenko, Elizabeth Manley
Copps Coliseum November 14"**

1992 September 29

22. (a) That the following City lands be incorporated into the street in order to complete the final street width or provide access to newly registered subdivision developments.

Acadia Drive	Parts 3 and 4	Plan 62R-10706
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Emperor Avenue	Part 5	Plan 62R-10706
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Harbottle Court	Block 13	Plan 62M-699
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Fano Drive	Block 31	Plan 62M-644
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- (b) That the by-law to carry out the incorporation of the said lands into the foregoing street be enacted by City Council.

- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.

23. (a) That the following City lands be incorporated into the street in order to complete the final street width or provide access to newly registered subdivision developments.

Fairington Crescent	Parts 1 and 3	Plan 62R-10638
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Artistic Boulevard	Block 11	Plan 62M-634
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- (b) That the by-law to carry out the incorporation of the said lands into the foregoing street be enacted by City Council.

- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.

24. That the applications to retain inadvertent encroachments at the locations outlined on Appendix "A" attached hereto, be approved during the pleasure of City Council provided:
- (a) That the owners enter into agreements satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement the agreements.
 - (c) That the first year fees and subsequent annual fees as outlined in Appendix "A", be set for the encroachments.
25. (a) That an Offer to Purchase, duly executed by the Purchaser Bell Canada (J. A. Edgar, Operations Manager, Real Estate) on 1992 August 28 and scheduled to close on or before 1992 November 23 for the lands described as part of Lot 15, Concession 8, in the former Township of Barton, being a parcel of land having a frontage of 20.72 metres (67.98 feet) more or less, along the southern limit of Stone Church Road West having a depth of 40.619 metres (133.264 feet) more or less, comprising an area of 839.68 square metres (9,038.53 square feet) more or less, shown as Part 2 and Part 3 on Plan 62R-11999, more particularly known as part of 49 Stone Church Road West. Part 2, Plan 62R-11999 will be subject to a right-of-way (for City access to Parts 4 and 5, Plan 62R-11999) in favour of the City of Hamilton, to be registered at the time of closing of this sale, be approved and completed and the funds derived from this sale of \$80,000. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases).
- (b) That a deposit cheque in the amount of \$5,400. be held by the City Treasurer pending City Council approval.
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

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26. (a) That the construction of an independent concrete sidewalk on the east side of Upper Sherman Avenue approximately 35 m north of Limeridge Road East to approximately 26 m northerly proceed as a local improvement pursuant to Section 11 of the Local Improvement Act at an estimated gross cost of \$6,200. as provided in the 1992 portion of the 1992 - 2001 Capital Budget with a City's share of \$4,102.40 and an Owner's share of \$2,097.60.
- (b) That the Finance and Administration Committee be requested to recommend a source of funds for this Capital project.
- (c) That the Director of Public Works be authorized to contact these works once all the necessary approvals have been received.
27. (a) That the Chairman or his designate be authorized to attend the Air Waste Management Association Annual Fall Meeting 1992 October 4 to October 6, Orillia, Ontario.
- (b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1992 Operating Budget.
28. (a) That the Chairman or his designate be authorized to attend the Environmental Solutions for Canadian Industry Conference, 1992 October 20 to October 22, Toronto, Ontario.
- (b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1992 Operating Budget.
29. (a) That the Chairman or his designate be authorized to attend the Ontario Traffic Conference Workshop, 1992 October 25 to October 26, Cobourg, Ontario.
- (b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1992 Operating Budget.

1992 September 29

30. (a) That the Chairman or his designate be authorized to attend the Seventh Canadian Environmental Government Affairs Seminar, 1992 November 9 to November 10, Ottawa, Ontario
- (b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1992 Operating Budget.
31. (a) That a 9.5 m by 14 m gravel parking area for five vehicles belonging to residents of 136 to 144 Cannon Street East be constructed on the east side of the north-south public assumed alley, approximately 47 m south of Cannon Street between Mary and Elgin Streets.
- (b) That the item be referred to the Parks and Recreation Committee for consideration.
32. (a) That the West Central Branch of the Ministry of the Environment be advised that the City of Hamilton has no objection to PPM Canada Inc. carrying out the proposed PCB destruction for J I Case at 450 Sherman Avenue North, Hamilton.
- (b) That the thirty (30) day notification period that is normally required after a Certificate of Approval is issued by the Ministry of the Environment be waived so that the proposed work can be carried out as scheduled.
- (c) That no specific permits are required for the proposed work.
33. (a) That the West Central Branch of the Ministry of the Environment be advised that the City of Hamilton has no objection to PPM Canada Inc. carrying out the proposed PCB destruction for Union Drawn Steel Company Ltd., at 1350 Burlington Street East, Hamilton.
- (b) That the thirty (30) day notification period that is normally required after a Certificate of Approval is issued by the Ministry of the Environment be waived so that the proposed work can be carried out as scheduled.
- (c) That no specific permits are required for the proposed work.

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34. (a) That the West Central Branch of the Ministry of the Environment be advised that the City of Hamilton has no objection to PPM Canada Inc. carrying out the proposed PCB destruction for Hamilton Hydro-Electric System, 450 Nebo Road, Hamilton.
- (b) That the thirty (30) day notification period that is normally required after a Certificate of Approval is issued by the Ministry of the Environment be waived so that the proposed work can be carried out as scheduled.
- (c) That no specific permits are required for the proposed work.
35. (a) That the West Central Branch of the Ministry of the Environment be advised that the City of Hamilton has no objection to CleanSoils Limited establishing the proposed waste disposal (processing) site at Pier 26 - Hamilton Harbour East Port Development in Hamilton provided that all environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the Ministry and that all applicable City of Hamilton and Regional by-laws are complied with fully.
- (b) That a copy of this report and the corresponding City Council resolution be submitted to the West Central Branch of the Ministry of the Environment for their consideration in the preparation of the Certificate of Approval which would apply to the development and operation of the facility proposed by the proponent.
36. (a) That the portion of Section 35 of the EIGHTH Report of the Transport and Environment Committee for 1992 adopted by City Council on 1992 July 28 which refers to the approval of engineering schedules for "CLAUDETTE GARDENS - PHASE 1", Hamilton, be deleted.
- (b) That the submitted schedule of works be adopted for inclusion in the subdivision agreement with the Owners for the estimated cost of services in:

"CLAUDETTE GARDENS PHASE 1", HAMILTON

City's Share - Nil

Owner's Share - \$190,768.88

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- (c) That approval of the above-noted clause be subject to the condition that no work has commenced on the installation of services except as provided for in Section (d) below.
 - (d) That in the event the Owners wish to proceed prior to registration of the Final Plan of Subdivision and Subdivision Agreement they should be allowed to do so at their own risk provided they enter into a standard agreement with the City of Hamilton for preservicing.
 - (e) That the Mayor and City Clerk be authorized and directed to execute the proposed subdivision agreement with the Owners of "Claudette Gardens - Phase 1", Hamilton.
 - (f) That the City of Hamilton grant a 6.0 metre wide sewer easement to the Region over Part 5 as shown on the draft reference plan prepared by MacKay, MacKay and Peters Limited, Ontario Land Surveyors in order to provide for sewer installations over a portion of City-owned parklands in connection with "Rymal Square Estates - Phase 3" in the Butler Neighbourhood.
 - (g) That the Mayor and the City Clerk be authorized and directed to execute the necessary documents to transfer the required sewer easement from the City of Hamilton to the Region for sewers being installed under "Rymal Square Estates - Phase 3", Hamilton.
37. That Foremen in the Streets Division and the Parks Maintenance Section of the Public Works Department be authorized to utilize their trucks to drive between home and work on a daily basis at an annualized cost of approximately \$3,750., on the understanding and agreement that:
- (a) These Foremen will not receive payment for stand-by time during the summer months between April 15 and November 15; (an annualized cost of approximately \$121,500.)

1992 September 29

- (b) These Foremen will not be submitting requests for overtime payment for incidental time (est. 1 hour) on a daily basis for opening and closing the streets yards, interruptions occurring during lunches, etc. (an annualized cost of approximately \$179,100.)
 - (c) This approval is on a one year trial basis and that the Director of Public Works report back to the Transport and Environment Committee on this issue in 1993 September.
38. (a) That the "Policy and Procedure - Processing Requests for Boulevard Parking and Driveway Approaches Affecting Trees on the Road Allowance" attached hereto as Appendix "B", be approved.
- (b) That the "Policy and Procedure - Processing Requests for Boulevard Parking and Driveway Approaches Affecting Trees on the Road Allowance" be forwarded to the Region and the Region be requested to consider adopting a similar program on regional roads within the City of Hamilton.
39. That the Regional Transportation Services Committee be requested to consider the elimination of overnight parking on Bay Street North from Barton Street to Sheaffer Street on a trial basis in the same way Regional Council approved a trial period for the elimination of overnight parking on Cannon Street.
40. That leave be granted to introduce the following Bills:
- (a) **Bill A-68** By-law to Incorporate Parts 3 and 4, Plan 62R-10706 into Acadia Drive
 - (b) **Bill A-69** By-law to Incorporate Part 5, Plan 62R-10706 into Emperor Avenue
 - (c) **Bill A-70** By-law to Incorporate Block 13, Plan 62M-699 into Harbottle Court

1992 September 29

- (d) **Bill A-71** By-law to Incorporate Block 31, Plan 62M-644 into Fano Drive
- (e) **Bill A-72** By-law to Incorporate Parts 1 and 3, Plan 62R-10638 into Fairington Crescent
- (f) **Bill A-73** By-law to Incorporate Block 11, Plan 62M-634 into Artistic Boulevard
- (g) **Bill A-74** By-law to Authorize the Construction of Local Improvements without Petition under Section 12 of the Local Improvement Act of Roadway only on Beaverton Avenue from Upper Sherman Avenue to Acadia Drive
- (h) **Bill A-75** By-law to Authorize the Construction of Local Improvements of a Combined Sidewalk and Curb on the South Side of Carling Street from Macklin Street to approximately 98m easterly
- (i) **Bill A-76** By-law to Amend By-law No. 89-72 to Regulate Traffic
- (j) **Bill A-77** By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1992 September 21

Appendix "A" as referred to in
Section 24 of the TENTH Report
of the Transport and Environment
Committee for 1992

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>First Year/Annual</u>	<u>File Number</u>
219 Walnut Street	A Frame Entrance to the Bldg. measuring 4.5' x 4.85'	James W. Scott Barrister and Solicitor 1030 Upper James Street Hamilton, Ontario L9C 6X6	\$112.00/20.00	T103-50(987)
51 Bristol Street	Wood Steps measuring 0.9' x 3.0'	Leggat, Keesmaat & Dixon Barristers & Solicitors 20 Hughson Street South Hamilton, Ontario L8N 3P6	\$112.00/20.00	T103-50 (1015)
280 Queen Street South	Steps measuring 3.0' x 0.73' encroaching on Stanley Ave.	G. W. Mark 26 Spruceside Avenue Hamilton, Ontario L8P 3T3	\$112.00/20.00	T103-50 (1017)
151 Ray Street North	Porch measuring 10.25' x 1.35'	J. Landeen 151 Ray Street North Hamilton, Ontario L8R 2Y3	\$112.00/20.00	T103-50 (1018)

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Appendix "B" as referred to in
Section 38 of the TENTH Report
of the Transport and Environment
Committee for 1992

POLICY AND PROCEDURE -

PROCESSING REQUESTS FOR BOULEVARD PARKING

AND DRIVEWAY APPROACHES

AFFECTING TREES ON THE ROAD ALLOWANCE

1. The Traffic Department receives applications for driveway approaches and/or boulevard parking requests.
2. The Traffic Department investigates these various requests and follows predetermined procedures.
3. In cases where proposed driveways or boulevard parking spaces are situated such that they will conflict with existing City trees (by either the tree located on the proposed paved area or within the dripline of the tree), the Traffic Department notifies the Forestry Section of the Department of Public Works to assess the application prior to approving the application.
4. If it is determined that the tree can be removed, in accordance with By-Law 92____ the removal and replacement costs will be incorporated into the overall cost to be borne by the property owner.

If a tree is in good condition and the request will not effect the root system, the application is approve. Conversely, if a tree is in good condition and the request will effect the root system, it is denied. The Forestry Section then advises the property owner of the denial. This information is returned to the Traffic Department for appropriate action. If approved, the necessary follow-up is administered by the Traffic Department. Denials are filed for future reference.

If the tree is in a serious state of decline or a "prohibited species", as determined by the Horticulturist or his designate, the City will remove the tree only if the property owner pays 100 percent of the removal costs plus the cost of a large caliper replacement tree in accordance with By-Law 92_____.

If the property owner does not wish the replacement tree planted on his/her property, it will be planted elsewhere on the road allowance within the City.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **SEVENTEENTH** Report for 1992 and respectfully recommends:

1. (a) That approval be given to enter into a contract with Cardeen Construction Ltd. of Stoney Creek for construction of the Primary Services Corridor at Harbourfront Park. The contract amount will be \$315,696.17.
- (b) That the amount of \$315,696.17 be funded from Account No. CF419254001 for Harbourfront Park.
- (c) That a contract satisfactory to the City Solicitor be entered into between the City and Cardeen Construction Ltd. of Stoney Creek.
- (d) That the Mayor and the City Clerk execute the contract on behalf of the City.
2. (a) That the existing contract awarded to Philip Enterprises Inc. of Hamilton in 1992 May in the amount of \$4,310,865.69 for the removal and disposal of hazardous soils from Harbourfront Park be amended to include rough grading, placement of the impervious clay cover and topsoil on the site within the original approved contract value.
- (b) That the existing contract awarded to Golder Associates Ltd. in 1992 January in the amount of \$100,638. be extended by the amount of \$120,064.37 including taxes and a \$15,000. contingency amount for preparation of the design, construction and administration of the rough grading of the site and placement of the impervious clay cover at Harbourfront Park.
- (c) That the existing contract awarded to F. J. Reinders and Associates Canada Ltd. in 1992 May in the amount of \$113,420. be extended by the amount of \$119,476. including taxes and a \$15,000. contingency amount for preparation of the design, construction and administration of the landscaping plan at Harbourfront Park.
- (d) That the amount of \$269,540.37 for these contracts be funded from Account No. CF4192 54001 Harbourfront Park Remediation Account.

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3. That permission be granted to hold an outdoor Art Camp "On The Edge" in King's Forest from 1992 October 2 to October 4 inclusive, subject to the following terms and conditions:
 - (a) That proof of \$2 million comprehensive general liability insurance for property damage and bodily injury naming the City as additional insured, be provided.
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event.
4. That the City of Hamilton participate in the International "Campbell Soup" Promotion Campaign in the WinterActive public skating and swimming events which will provide "Label Loonies" as admission to recreation facilities 1993 January 30 to February 13.
5. That this year's Winterfest be held from 1993 February 12 to February 14 within a format which provides for all ages and interests.
6.
 - (a) That representatives from the Parks Staff Advisory Committee be authorized to establish a joint Hamilton Region Conservation Authority/City/Region/Provincial staff committee to explore and make recommendations on an action plan respecting the funding of the Hamilton Beach - Breezeway Project through the sale of Hamilton Region Conservation Authority owned lands.
 - (b) That staff be authorized to prepare a capital budget submission for the planning and implementation of the Hamilton Beach - Breezeway Project for consideration in the 1993 - 1997 Capital Budget.

1992 September 29

7. That the Mayor and City Clerk be authorized and directed to execute a Partial Release of Licence Agreement with Ontario Hydro in a form satisfactory to the City Solicitor for the lands and premises situated in the Regional Municipality of Hamilton-Wentworth formerly in the Township of Barton, now in the City of Hamilton, being part of Lots 9 and 10, Concession 7 and having frontage along the northerly road allowance of Stone Church Road East of 25.312 metres (83.044 feet) more or less, by a depth of 5.182 metres (17.00 feet) more or less, and comprising a total area of 132.00 square metres (1,420.882 square feet) more or less, and designated as Parts 1, 2, 3 and 4 on Registered Plan 62R-8872. Subject parcel has been conveyed to the Region for the widening of Stone Church Road East.
8. That a purchase order be issued to Weinmann Electric, Fort Erie, in the amount of \$50,114.52 for light fixture replacement at Ivor Wynne Stadium, being the lowest of six tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be funded through Light Safety Improvements Account No. CF5010 629254008.
9. That a purchase order be issued to Ark-Tech Contracting, Ancaster, in the amount of \$99,007.10 for lighting distribution upgrade at Chedoke Ski Hills No. 1 and No. 4, being the lowest of four tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be funded through Light Safety Improvements Account No. CF5010 629254008.
10. That the Director of Public Works be authorized to make application to the Dunington-Grubb Foundation for funding to undertake construction and installation of a main sign and entrance gateway at Gage Park as well as a secondary entrance gateway(s) and interior park signage.
11. That approval be given to the Director of Culture and Recreation to apply to the Hamilton Foundation for a grant of up to \$3,000. for conservation of the Hamilton Military Museum Photograph Collection.
12. That the Director of Culture and Recreation be authorized to apply for an internship programme for the Hamilton Children's Museum through the Ministry of Culture and Communications.

13. That approval be given to the Director of Culture and Recreation to re-apply for a capital assistance grant of up to \$124,878. under the Cultural Initiatives Program provided by Communications Canada for emergency restoration work to the Cockpit Building at Dundurn Castle.
14. That the Terms of Reference for the Programming Plan Study for the Hamilton Children's Museum attached hereto as Appendix "A" dated 1992 September, be approved.
15. That the By-laws attached hereto as Appendix "B", dated 1992 September 9, for the Hamilton Children's Museum, be approved.
16. That approval be given to the Director of Culture and Recreation to apply to the Employment and Immigration Canada Section 25 Job Creation Grant for four (4) crew members for 52 weeks to continue archaeology field work at Dundurn Castle.
17. That the Parkdale, Rosedale and Scott Park Recreation House League members of the Hamilton Minor Hockey Council be authorized to acquire an acceptable \$2 million, Participant Accident and League Liability Insurance Program which names the City of Hamilton as co-insured.
18.
 - (a) That the payment schedule for the Hamilton Redbirds which was approved by City Council on 1992 June 30 be amended to exclude the September and October instalments since these security payments are no longer required by the City of Hamilton.
 - (b) That a refund of any overpayments or any supplemental billings applicable to the 1992 rental and concession fees for the use of Bernie Arbour Stadium be made to the Hamilton Redbirds upon receipt of the financial statements for the operation of concessions as required under the terms of the agreement.
19.
 - (a) That the Beasley Park Development Plan approved by City Council at its meeting held 1991 August 27, be amended to allow a 9.5 m by 14 m gravel parking area on the east side of the north-south public assumed alley, approximately 47 m south of Cannon Street between Mary and Elgin Streets.
 - (b) That the City Parks By-law No. 89-74 be amended accordingly.
 - (c) That the Planning and Development Committee be requested to initiate the modification of zoning at Beasley Park to allow residential parking with the Park.

1992 September 29

20. That Regional Council be invited to authorize its appropriate staff to make arrangements with the City of Hamilton to allow Regional employees to participate in a payroll deduction plan to purchase memberships for either of the two civic golf courses.
21.
 - (a) That the Planning and Development Committee be requested to abandon the City Initiated rezoning of the William Connell Park to permit use of this property for a major baseball facility and associated uses, and
 - (b) That the Property Department continue negotiations with the Hamilton Board of Education for the exchange of lands of equal size as per the direction of City Council on 1991 July 30.
 - (c) That the Park's Division, Public Works Department prepare a capital budget submission to provide for preparation of a Development Plan for William Connell Park, said plan to capitalize on the natural features of the property including existing tree cover, ground vegetation topography, and ponds and to reflect the growing demand for passive green space.

Respectfully Submitted,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson
Secretary

1992 September 22

Appendix "A" as referred to in
Section 14 of the SEVENTEENTH Report
of the Parks and Recreation
Committee for 1992

**PROGRAMMING PLAN STUDY
FOR THE
HAMILTON CHILDREN'S MUSEUM

TERMS OF REFERENCE**

**HAMILTON CHILDREN'S MUSEUM
1992 SEPTEMBER 15**

Programme Plan Study

1.0 GENERAL INTRODUCTION

1.1 Introduction

The Cultural Services Division of the Department of Culture and Recreation of the City of Hamilton invites qualified consultants to develop a programming plan for an expanded Hamilton Children's Museum.

The Purpose of the study is to:

- describe visitor groups most likely to attend the museum;
- define the museum visit and learning needs for each visitor group;
- make recommendations on how the museum will address these needs (using some or all of the following components or methods of delivery: permanent and temporary exhibits, hands-on activities; tours; public and special programmes; computer/audio and video presentations; performances; extension services and any other media deemed appropriate);
- make recommendations on staffing, operating budgets, equipment, space requirements and implementation schedules;
- make recommendations on the relationship between the programming study and other aspects of the museum function (i.e. collections, research and activities of the museum).

The final report of the study will contribute to the development plan for a new expanded site. It will guide architectural planning as well as staffing and budget forecasts.

1.2 Cultural Services, Department of Culture and Recreation

The Department of Culture and Recreation is dedicated to contributing to the quality of life for the citizens of, and visitors to, the City of Hamilton, through the operation of recreational and cultural facilities (i.e. museums and historic sites), and through a variety of public and educational programmes and events.

The Cultural Services Division oversees the operation of the museums. In matters of policy the Division receives guidance from the Hamilton Historical Board, which is composed of 13 interested citizens appointed by the City, and 2 members of City Council.

The City's museums comprise four historical museums (Whitehern Historical House, Dundurn Castle, the Hamilton Military Museum and the Hamilton Museum of Steam and Technology) which preserve and interpret various themes of the history of Hamilton, and the Hamilton Children's Museum which offers a hands-on participatory programme where

children are empowered to learning through discovery of interactive experiences. In 1990, the City's museums had over 130,000 visitors.

Staff of the Hamilton Children's Museum include employees of the Corporation of the City of Hamilton; grant staff and volunteers. Non-grant and non-management staff are members of the Canadian Union of Public Employees.

1.3 A Short History of the Site

The Hamilton Children's Museum was established in 1978 as a pilot project in honour of the International Year of the Child.

The founders of Canada's first civic children's museum were guided by the example of the Boston Children's Museum, (as a pioneer hands-on learning institution) which first opened its doors at the turn of the century.

Armed with their ideals, this committed group of citizens secured the historic Gage House for the pilot project. In 1977 it was estimated that the building would serve a maximum attendance of 7,000 visitors per year as a full time operation. Still located in the same structure, the museum has never served less than 20,000 visitors per year. The typical attendance has varied between 28,000 and 34,000 visitors over the years.

While the Children's Museum has exceeded predictions for its audience, there has been no significant expansion, upgrading or re-organization of the facility.

1.4 Current Hamilton Children's Operation

Since 1978, the Statement of Purpose for the museum has altered little and continues to expand its unique function as a discovery-learning facility intended to serve the needs of Hamilton's Children as reflected in its opening paragraph:

to encourage children of all ages to discover, through a participatory experience, a sensory awareness of the world around us; a knowledge of all aspects of our local area, past, present and future; and an understanding of childhood through the ages.

It is anticipated that the existing Statement of Purpose will undergo revision as part of the development process but its basic intent will remain the same. The museum also has written policies covering admission, education, volunteer and collections management issues.

The museum continues to operate as it always has, offering a rotating schedule of interactive, curriculum-based, "teaching" exhibits for children between two and thirteen years of age.

The museum is accessible to both general public and booked groups year-round. Due to building limitations, however, the museum is closed for several weeks during exhibit change. Each exhibit uses the whole of the public area of the museum. Since each exhibit examines a different subject and theme, the museum, in essence, "re-events itself" several times per year.

The museum offers numerous special events throughout the year despite a shortage of space and facilities.

Collections Management remains an issue at the museum as it does for similar institutions throughout the world. Rather than exhibits being driven by the collection, as is typical of many museums, only those articles which relate to upcoming exhibit themes are collected. Therefore the collection is programme-driven. Also due to the interactive nature of the exhibits and widely varying subject matter, a large part of the collection is eclectic and contemporary in nature.

The proposed expansion and re-development of the museum is on the list of the Corporation of the City of Hamilton's Capital Expenditures Schedule.

1.5 Restrictions on Operation

The current facility's square footage of 2,000 square feet poses severe limitations on the functioning of the museum in the following areas:

- the museum must turn away roughly one-third of its audience, both general public and booked groups. Refusing admission to interested visitors generates negative public relations;
- the museum cannot offer permanent exhibits because such a small area necessitates narrowly focused exhibits;
- there is no indoor space for public programming other than the exhibit floor;
- large scale displays (e.g. dinosaurs) cannot be accommodated;
- inadequate storage space for collections limits the museum's ability to collect;
- there is no space for gift shops, lunch rooms, or other amenities.

The internal structure of a former farmhouse creates its own set of difficulties in the following areas:

- low ceilings rule out large scale displays;
- the original wood frame construction poses fire and occupancy restrictions;
- the electrical system was not designed for institutional needs;
- each individual room is relatively small, greatly restricting the range of possible uses;
- all of the entrance ways are small, limiting the movement of materials and the design of exhibits;

- the existing structure rules out standard environmental controls without large scale alterations.

The location of the museum is currently one of its major strengths. The park like setting, relatively central location and informal atmosphere contribute to the success of the operation. Nevertheless, the location is not without its shortcomings:

- visibility from the road is generally poor;
- the museum has no property of its own (the park is controlled by the Parks Department), limiting the museum's ability to plan and operate outdoor programming;
- parking is severely restricted.

1.6 Proposed New Museum

1.6.1 Planning and discussion surrounding an expanded Children's Museum facility has been carried on for some years. In 1990, a long range development plan for the museum was prepared. This document, which will be available to consultants, highlighted that the current facility was inadequate to meet the current and future needs of its users. It made a number of recommendations regarding a new facility, including:

- expanding to a substantially larger (perhaps at least 20,000 sq. ft.) facility;
- seeking a more central and accessible location;
- ensuring that a new facility would be completely accessible to all potential visitors;
- developing an active collections management programme including the acquisition of both capital and cultural items;
- expanding the programming activities of the museum to include permanent and temporary exhibits, expanded school programming and public programming of various kinds; and
- a renewed commitment to hands-on discovery learning for children.

1.6.2 As a follow-up to the 1990 study, a document was developed which made recommendations on collection management at an expanded Children's Museum. This study recommended that:

- the museum develop education/programme collections; permanent collections; and inventoried collections;
- the collecting process be linked to its educational and institutional mandate and the specific themes addressed in new permanent and temporary exhibit galleries.

1.6.3 Further to the two studies described above, the Hamilton Historical Board has established criteria and initiated a process which will lead to the selection of a new location, site and/or new facility for the Hamilton Children's Museum.

1.6.4 In the event that a new location/site/facility is not known during the present study period, the priorities and criteria will be made available to the consultant.

2.0 PROGRAMME PLAN REQUIREMENTS

2.1 Introduction

2.1.1 The consultant shall complete, or have completed on the City's behalf, the tasks described in Section 2 in a professionally competent manner using appropriate methodologies, and where appropriate, supporting documentation.

2.1.2 The tasks described in Section 2 are intended to guide the work of the consultant. Any changes to the tasks must reflect the expressed mutual agreement of the consultant and the study team.

2.2 General Tasks

2.2.1 In consultation with the Children's Museum staff, the consultant shall review relevant earlier studies (and staff comments on these studies) provided by the Study Team.

2.2.2 Drawing upon the work of the previous reports, the consultant will define the museum visit and learning needs of each of the major visitor groups. These groups have been identified in the 1990 Long Range Development Plan which will be available to the consultant.

The consultant shall provide recommendations on:

- goals, aims, and objectives for programming at the expanded museum facility;
- a general concept plan for the museum as a whole;
- the main components of the programming plan (including without being necessarily limited to school programming, temporary and permanent exhibits; public programming).

2.2.3 The consultant shall prepare:

- an interim report which will include reports and recommendations for tasks 2.2.2, 2.2.3, 2.3.1, 2.2.2, 2.4.1, 1.5.1, 2.6.1 and preliminary recommendations for all other tasks for submission to the study team (to consist of staff and public representatives);

- a draft final report based on comments received from the study team and others which will include recommendations for all tasks (Section 2); and
 - a final report for approval by the study team, the Hamilton Historical Board and Parks and Recreation Committee and City Council based on comments received from the staff steering committee.
- 2.2.4 The consultant will provide a public presentation of the results of the final report to the Hamilton Historical Board.
- 2.3 Exhibits
- 2.3.1 The consultant will provide recommendations on:
- the appropriateness and feasibility of a permanent exhibit programme to an overall programme plan.
- 2.3.2 If the consultant deems that a permanent exhibit programme is appropriate and feasible, the consultant shall provide recommendations on:
- the number of permanent galleries in the new expanded museum;
 - the subject area and main theme of each permanent exhibit;
 - the aims and objectives of each permanent exhibit and the relationship to the museum's statement of purpose;
 - the principle exhibit components of each permanent exhibit;
 - a concept plan for each permanent exhibit, where possible
 - the equipment and space requirements for each permanent exhibit;
 - the exhibit development process including the use of staff committees, decision-making and authority, outside consultants, scheduling etc.;
 - a staffing plan for the exhibit programme;
 - preliminary cost estimates for each permanent exhibit; and
 - implications for operating and staff budgets for a permanent gallery programme.
- 2.3.3 The consultant will provide recommendations on:
- the appropriateness and feasibility of a temporary exhibit programme to an overall programme plan.
- 2.3.4 If the consultant deems that a temporary exhibit programme is appropriate and feasible, the consultant will provide recommendations on:
- the number of temporary exhibits per year;
 - subject areas and main themes for possible temporary exhibits and the relationship to the museum's statement of purpose;

- possible relationships with permanent exhibits
- equipment and space requirements for temporary gallery or galleries;
- the exhibit development process including the use of staff committees, decision-making and authority, outside consultants, scheduling etc.;
- a staffing plan for the exhibit programme;
- implications for operating and staff budgets of a temporary exhibit programme;
- the feasibility of combining temporary and permanent galleries.

2.4 School Programming

2.4.1 The consultant will provide recommendations on:

- the appropriateness and feasibility of school programming to the programme plan.

2.4.2 If the consultant deems that a temporary exhibit programme is appropriate and feasible, the consultant will provide recommendations on:

- the type and range of school programming at the expanded museum facility (which may include without being limited to self-guided or teacher guided programmes, staff guided programmes, conducted tours, discovery or self directed learning, outreach and extension services etc.);
- the aims and objectives of school programming and the relationship to the museum's statement of purpose;
- the relationship to child learning needs and local school board and Ontario Ministry of Education curricula;
- subject areas and main themes for school programming;
- possible relationships with permanent exhibits;
- the programme development process including the use of staff committees, outside consultants, scheduling etc.;
- a staffing plan for the programme;
- equipment and space requirements for school programming;
- implications for operating and staff budgets of school programming.

2.5 Other Public Programmes

2.5.1 The consultant will provide recommendations on:

- the appropriateness and feasibility of other public programmes (which may include without being limited to components such as special events, birthday parties, guided or self guided tours, bus tour programmes, day camp or community group programming, guide books; extension services, outreach

programmes, lecture series, after school or weekend clubs etc.) to the overall programme plan.

2.5.2 If the consultant deems that other public programmes are appropriate and feasible, the consultant will provide recommendations on:

- the type and range of public programming at the expanded museum facility;
- the aims and objectives of each component of the public programme and the relationship to the museums's statement of purpose;
- subject areas and main themes for each component;
- potential relationships with permanent or temporary exhibits;
- the programme development process including the use of staff committees, outside consultants, scheduling etc.;
- a staffing plan for the programme;
- equipment and space requirements for public programming;
- implications for operating and staff budgets of public programming.

2.6 Outdoor Programmes

2.6.1 The consultant shall provide recommendations on:

- the appropriateness and feasibility of outdoor programming (which may include without being limited to components such as special events, birthday parties, guided or self guided programming, camp or community group programming, guide books, outdoor play area) to an overall programme plan.

2.6.2 If the consultant deems that outdoor programming is appropriate and feasible, the consultant shall provide recommendations on:

- the type and range of outdoor programmes at the expanded museum facility;
- the aims and objectives of outdoor programming and the relationship to the museum's statement of purpose;
- subject areas and main themes for outdoor programming;
- potential relationships with permanent or temporary exhibits;
- equipment and space requirements for outdoor programming;
- the programme development process including the use of staff committees, outside consultants, scheduling etc.;
- a staffing plan for the programme;
- implications for operating and staff budgets of outdoor programming.

2.7 Implications for Other Museum Functions

2.7.1 The consultant shall provide recommendations on the implications for each component of the programme plan on other aspects of the museum operation, specifically:

- conservation;
- collections, management (including acquisition; documentation; deaccessioning);
- the use of artifacts in programming;
- research
- volunteer programmes;
- marketing and promotion
- support services (e.g. theatre, laboratory, sinks, etc.)

2.8 Implementation

2.8.1 The consultant shall provide recommendations on preliminary implementation schedules for each of the programming plan components in relation to other aspects of the development of an expanded museum facility.

Appendix "B" as referred to in
Section 15 of the SEVENTEENTH Report
of the Parks and Recreation
Committee for 1992

FRIENDS OF THE HAMILTON CHILDREN'S MUSEUM BY-LAWS

I. MEMBERSHIP

- A. There shall be three (3) categories of membership in the Friends:
1. Individual - available to individuals or families upon an annual fee of \$20.00. This entitles an individual to participate in the activities of the Friends and provide free admission to the museum for their children.
 2. Sustaining - available to any individual, family or organization wishing to assist the Friends of the Hamilton Children's Museum financially in its work by paying an annual fee of \$40.00 or more. This includes a membership fee of \$20.00 plus a contribution of \$20.00 or more.
 3. Honourary Membership - available to individuals who may be proposed by members of the Friends, in writing, to the Executive for consideration. Recommendations for Honourary Membership shall be brought, by the Executive, before a General Meeting of the Friends for approval by vote.
- B. Financial contributions - from members shall be recognized after payment of the appropriate annual dues. Additional financial donations beyond the membership fee are welcome.
- C. All memberships are for a 12 month period from the date of issuance. Membership fees are due within 30 days of expiry.
- D. All categories of membership in section A above shall be entitled to full voting privileges of one vote per membership.
- E. A member of the Friends may resign at any time, but no refund of fees shall be made.
- F. Memberships are non-transferable.

II. FINANCES

- A. 1. The Friends shall be financially self-supporting. Operating funds for the Friends are to be generated solely from membership dues as well as contributions specified by the donor for operating expenses.
2. Income tax receipts cannot be issued for membership fees and operating expense donations to the Friends.

3. Operating funds for the Friends shall be kept in a bank account separate from The Children's Museum Trust Account (see below).
 4. Free admission will be one of the benefits of membership. Therefore, the museum will be reimbursed \$5.00 for every membership sold to cover a fee for admission.
- B.
1. Monies raised by fundraising activities and special grants for Capital and Special Projects shall be kept in a separate City of Hamilton Children's Museum Trust Account. Expenditure from the Trust Account must have prior approval from the Friends of the Hamilton Children's Museum, the Hamilton Historical Board and Parks and Recreation Committee.
 2. All deposits to The Hamilton Children's Trust Account will be made by the Curator.
 3. Expenditures from the Trust Account, with prior approval from the committees as mentioned in B 1, will be the responsibility of City staff.
 4. Donations given in excess of the membership fee and not specified for operating expenses of the Friends shall be deposited in the Trust Account.
 5. Donors of financial contributions of \$20.00 or more to the Children's Museum Trust Account shall be issued income tax receipts by the Corporation of the City of Hamilton.
- C.
1. The fiscal year shall be January 1 to December 31. An annual financial statement shall be submitted to the next Annual General Meeting for approval and, once approved, to the Hamilton Historical Board.
- D.
1. The Executive, in co-operation with staff, shall prepare an Annual Work Plan and Budget for approval by the Membership, at the general meeting, and subsequently, by the Hamilton Historical Board and Parks and Recreation Committee.
 2. Financial Reports - shall be approved monthly by the Executive. Quarterly reports shall be approved by the Hamilton Historical Board and Parks and Recreation Committee, and a full Financial Statement written annually to the Friends for presentation at the general meeting.
- E.
1. The President, Secretary/Treasurer and Vice-President shall have signing authority for all cheques written on the Operating Account of the Friends of the Children's Museum. Two signatures, one which must be the Secretary/Treasurer, are required for all cheques.

III DUTIES OF OFFICERS OF THE FRIENDS

- A. **PRESIDENT**: is the Chief Executive Officer of the Friends and shall preside at all meetings. The President shall report annually on the activities of the Friends at the Annual General Meeting, and may appoint members to committees and delegates not otherwise provided for in the By-laws. The President is an ex-officio member of all committees. The President shall have co-signing authority with the Secretary/Treasurer for all cheques issued by the Friends.
- B. **VICE-PRESIDENT**: shall have signing authority with the President and Secretary/Treasurer for all cheques issued by the Friends and shall assume the duties of the President in the event of the absence, incapacity or resignation of the President, and shall assist the President in preparing the Work Plan for Executive and subsequent approval by the Membership.
- C. **SECRETARY/TREASURER**
1. shall keep the Minutes of meetings of the Friends, and
 2. shall be responsible for the safe-keeping of operating monies , and shall prepare regular monthly reports for the Executive; quarterly reports for the Hamilton Historical Board; and an annual financial statement for the Friends.
 3. The Secretary/Treasurer shall deposit all operating monies received into a bank account approved by the Executive and turn over all monies for the Trust Account to the Curator of the Hamilton Children's Museum.
 4. Monies for operating expenses shall be paid out by numbered cheques signed by the Secretary/Treasurer and the President. The Secretary/Treasurer shall obtain the approval of the Executive Committee for all disbursements in excess of \$100.00.
 5. The Secretary/Treasurer shall assist the President and Vice-President in preparing the Budget for the Work Plan.
- D. **PAST PRESIDENT** - shall attend all meetings of the Executive and assist the President in learning their role and responsibilities, and shall chair the Nominating Committee , and wherever possible assist in carrying out the current activities of the Executive.
- E. **MEMBERS AT LARGE** - shall attend all meetings of the Executive Committee and all General Meetings and shall assume roles and responsibilities agreed upon by the Executive and/or by the Membership at general meeting.

F. **STAFF**

1. The Curator or designate of the Hamilton Children's Museum will act as an ex-officio, non-voting member of the Friends, and its committees of the Friends and provide information and guidance on City and Museum policies and procedures. The Curator, or designate may attend regular meetings of the Executive and General Meetings of the Membership.
2. The Manager of Cultural Services or designate, a ex-officio, non-voting member of the Friends, shall assist the Executive of the Friends by providing information and guidance at the Departmental and Municipal level. The Manager may assist the Executive in providing administrative assistance for mailings and notice of meeting.

IV **MEETINGS**

- A. **GENERAL MEETINGS** - of the Friends, of which there shall be at least one in every calendar year, shall be held on dates and in places to be determined by the Executive Committee.
- B. **THE ANNUAL GENERAL MEETING** - of the Friends shall be held in the month of April each year, unless otherwise designated by the Executive Committee.
- C. **NOTICE OF MEETING** - will be mailed to all members at least thirty (30) days in advance (where possible) of each special, general or annual meeting of the Friends.
- D. **A QUORUM** - shall be reached when 10% of all voting members, in good standing 30 days prior to any meeting, are present for that meeting requiring the attendance of the general membership of Friends.
- E. **MEETING OF THE EXECUTIVE** - regular meetings shall be monthly at a time and place agreed upon by the majority of the Executive Committee. Five members of the Executive Committee shall constitute a Quorum. Special meetings, including committee meetings, shall be at the call of the President or their designated chair. In all cases the President or Chair shall cast the deciding vote in the event of a tie.

V **COMMITTEES**

- A. The Friends shall have the following Standing Committees:
 1. **EXECUTIVE COMMITTEE** - consisting of 8 officers which would be the President, Past President, Vice-President, Secretary/Treasurer and four members at large.

Responsible for:

- setting the date, time, and place of all meetings of the general membership and for preparing the Agenda of any such meeting, and
- recommending amendments and revisions to the Constitution and By-laws at the Annual General Meeting,
- carrying out the Objectives and Work Plan approved by the Friends,
- appointing members to Ad Hoc or Standing Committees, Chairs of committees will normally be drawn from members of the Executive Committee.

2. **MEMBERSHIP COMMITTEE** - This committee is responsible for working with other committees to encourage new members to join the Friends. The Chair shall maintain an up-to-date list of members and their respective categories and report regularly to the Executive and annually, in writing to the Friends. Membership in this committee may include individuals from the general membership.
 3. **NOMINATING COMMITTEE** - This committee, chaired by the Past-President, is responsible for making nominations for Officers to present at the annual General Meeting. Individuals from the general membership may also be nominated from the floor at the Annual General Meeting.
 4. **OTHER STANDING COMMITTEES** may be established at the Annual General Meeting by vote. Proposals must be written and may be made either by the Executive Committee or by a member in good standing to the Executive Committee at least 30 days prior to the Annual Meeting.
- B. **AD HOC COMMITTEES** may be established by the Executive at any time, as the need arises.
- C. All Committees shall report to each meeting of the general membership, with the exception of the Nominating Committee. All Committees shall report monthly to the Executive Committee.

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REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTEENTH** Report for 1992 and respectfully recommends:

1. That the 1992 Schedule of Payments for the International Village Business Improvement Area be amended as follows:

February 01	\$ 9,893.33
April 01	\$ 9,893.33
June 01	\$ 9,893.33
August 01	\$ 9,893.33
October 01	\$19,786.67

2. That the City of Hamilton accept the sum of \$93,750 as cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates - Phase 3, Hamilton, located between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood, being the cash payment required under Section 51 of the Planning Act.
3.
 - (a) That the City of Hamilton accept the sum of \$24,690 as cash payment in lieu of the 5% land dedication in connection with "Primecan Estates", located on the west side of Upper Wellington Street and on the south side of the proposed east/west portion of the Red Hill Expressway, in the Jerome Planning Neighbourhood.
 - (b) That the City of Hamilton accept the sum of \$30,160 as cash payment in lieu of the 5% land dedication in connection with "Paradise Gate Estates - Phase 1", located on the north side of Rymal Road West, east of Upper Paradise Road, in the Falkirk East Planning Neighbourhood, Hamilton, this being the cash payment required under Section 50 of the Planning Act.
 - (c) That the City of Hamilton accept the sum of \$28,500 as cash payment in lieu of the 5% parkland dedication in connection with "The Gardens of Rymal Phase 3", and the sum of \$30,708 as cash payment in lieu of the 5% parkland dedication in connection with "The Gardens of Rymal - Phase 4", both located

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on the west side of Upper Wentworth Street, south of Rymal Road East, in the Chappel West Planning Neighbourhood, Hamilton, these being cash payments required under Section 50 of the Planning Act.

4.
 - (a) That the Building Commissioner be authorized and directed to collect a new administrative charge being a \$120 fee for requesting 48-hour express service to obtain a Zoning Verification/Property Report;
 - (b) That Building staff be directed to report back on this in 6 months, and;
 - (c) That Building staff prepare a report on the feasibility of charging differential fees for residential and commercial applications.
5. That the Building Department, Loans Division, be authorized to process the following grant/loan(s) for:
 - (a) Victor & Gladys Woodfine - 4 Hilton Street
 - (b) Frances & Walter Somers - 529 Roxborough Avenue

in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under the Housing Department Act for the Ontario Home Renewal Programme.

6. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 330 Charlton Avenue West
 - (b) 322 Charlton Avenue West
 - (c) 493 Burlington Street East
 - (d) 1134 Upper Wentworth Street
 - (e) 1086 Upper James Street
 - (f) 1170 Garth Street
 - (g) 261-263 Wellington Street North
7.
 - (a) That the Residential Underground Parking Study, as per the attached Study Proposal, attached hereto as Appendix "A", be undertaken; and,
 - (b) That the Planning and Development Department be authorized to hire Lynda Morris, Urban Safety Consultant, to undertake the study, at a cost not to exceed \$15,000.

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8. A. That the Hamilton Harbour Commissioners be requested to revise the wording of the following draft Mission Statement:

"The Hamilton Harbour Commissioners is a vital part of Canada's national transportation system. Our Mission is to provide leadership in the regulation, operation and development of the Port of Hamilton.

We are responsive to the needs of our customers and the public when regulating navigation and use of the Harbour; in the shipping of cargo; by developing commercial, industrial and recreational uses; and by contributing to the economic well-being of Canada and our surrounding market area, while doing so on a financially self-supporting basis.

We provide reliable service of high quality. Our customers, employees and all public and private organizations are treated with honesty, flexibility and fairness. We work within the community and with other agencies to improve the Port of Hamilton and protect its natural environment.

to more clearly reflect their membership with the City of Hamilton by adding "which relate primarily to bona fide shipping and navigation and subject to the City of Hamilton's regulations for those lands which do not relate primarily to shipping and navigation."

- B. That the City Clerk be directed to forward this report to the Hamilton Harbour Commissioners.
9. (a) That the general proposals put forward by the Minister's Advisory Committee on New Heritage Legislation be strongly supported, particularly in respect to the strengthening and streamlining of the designation process for heritage properties under the Ontario Heritage Act;
- (b) That the two new proposals for the designation process, specifically the priority rating (suggested wording instead of grading requirement) for heritage properties and the possibility of compensation to be paid to the owner of a designated property under special conditions not be supported;
- (c) That the proposed recommendations respecting the expansion of the legislative mandate to include movable heritage, intangible heritage, and heritage facilities be referred to the appropriate municipal Departments and Committees, such as the Hamilton Historical Board, the Department of

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Culture and Recreation, the Hamilton Library, the Hamilton Art Gallery, etc. for comment;

- (d) That the additional incentives for heritage conservation found in the Ministry's previous review in 1990 entitled "Proposals for Legislation", be supported in the present proposal;
 - (e) That the Minister's Advisory Committee on New Heritage Legislation be advised of LACAC's request to have an opportunity to comment further on the policy before it is submitted for final approval; and, when available, on the draft Regulations which will be crucial to the successful implementation of the new heritage legislation.
 - (f) That a letter be sent to the Minister's Advisory Committee on New Heritage Legislation advising them of the aforementioned recommendations with a copy being sent to the Association of Municipalities of Ontario.
10. A. That approval be given to City Initiative 92-C Regional Municipality of Hamilton Wentworth, owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, modified, to permit development of the subject lands (Block "3" on Appendix "C") in conjunction with the abutting lands to the west (Block "2" on Appendix "C"), which are to be developed for townhouses and/or multiple dwellings (stacked townhouses), for part of property municipally known as 240 Rymal Road East, as shown on the attached map marked as Appendix "B", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
 - (b) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That Section 10E(2)(a)3. of Zoning By-law No. 6593 shall not apply to the land fronting onto Rymal Road East or Upper Wellington Street.
 - (c) That Schedule "A" of By-law 92-211 be amended by adding the subject lands to Block "2";

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1278a, and that the subject lands on Zoning District Maps E-9D and E-18E be notated S-1278a;
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-18E for presentation to City Council;
 - (f) That the proposed change in Zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (g) That the Allison Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Low Density Apartments".
11. That approval be given to Zoning Application 92-20, David K. Lord and Eileen R. Booty, owners, for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit the creation of separate lots for the existing two-family dwelling at 173 Bold Street (Block "1"), and the existing semi-detached dwelling at 20 Wheeler Place (Block "2"), as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That the "E" (Multiple Dwellings, Lodges Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 11(1) of Zoning By-law No. 6593, only a two-family dwelling shall be permitted within the building existing at the date of passing of this By-law;
 - (ii) That notwithstanding Section 11(3) of Zoning By-law No. 6593, the yards existing at the date of passing of this by-law shall apply to the existing two-family dwelling;
 - (iii) That notwithstanding Section 11(4) of Zoning By-law No. 6593, a lot width of at least 7.53 m and a lot area of at least 204.45 m² shall be required;
 - (iv) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a minimum of two parking spaces shall be provided and maintained on the lot within the required front yard for the existing two-family dwelling;

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- (v) That Section 18A(9) of Zoning By-law No. 6593 shall not apply.
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 4.(3)(b) of Zoning By-law No. 6593, one half of a semi-detached, two family dwelling shall be permitted to front onto a public highway (Wheeler Place) having a width of at least 3.66 m;
 - (ii) That notwithstanding Section 11(1) of Zoning By-law No. 6593, only one half of a semi-detached two-family dwelling shall be permitted;
 - (iii) That notwithstanding Section 11(3) of Zoning By-law No. 6593, the yards existing at the date of passing of this By-law shall apply to the existing one half of a semi-detached two family dwelling;
 - (iv) That notwithstanding Section 11(4) of Zoning By-law No. 6593, a lot width of at least 7.33 m and a lot area of at least 163.30 m² shall be required;
 - (v) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a minimum of one parking space shall be provided and maintained on the lot.
 - (vi) That Section 18A(9) of Zoning By-law No. 6593 shall not apply.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1286, and that the subject lands on Zoning District Map W-5 be notated S-1286;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council;
- (e) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

12. That approval be given to Zoning Application 92-27, 483466 Ontario Limited (Jerome Calzonetti), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, to permit townhouses on property located at 829 Rymal Road East, as shown on the attached map marked as Appendix "D", on the following basis:
 - (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District;
 - (b) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 10E(7)(a)(i), a maximum of seven (7) townhouse dwelling units shall be permitted.
 - (c) That the amending By-law be added to Section 19B of Zoning By-law 6593 as Schedule S-1287, and the subject lands on Zoning District Map E-38D be notated S-1287;
 - (d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593, and Zoning District Map E-38D for presentation to City Council;
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (f) That the Eleanor Neighbourhood Plan be amended by redesignating the subject lands from "Single & Double Residential" to "Attached Housing".
13.
 - (a) That the Janet Court walkway, as shown on the attached map marked as Appendix "E", be deleted from the Kentley Neighbourhood Plan, and;
 - (b) That the request for closure of the walkway be forwarded to the Transport and Environment Committee.
14. A. That the approved Carpenter Neighbourhood Plan, as shown on the attached map marked as Appendix "F", be amended by:
 - (a) shifting the extension of Upper Paradise Road 54 metres to the east and associated interior road alignments; and,

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- (b) designating the lands previously designed for the road for "Single and Double" housing.
- B. That approval be given to the revised Subdivision Application 25T-92002, Brusan Developments, owner, to establish a draft plan of subdivision in the area south of Rymal Road West and east of the City limits, as shown on the attached map marked as Appendix "G", subject to the following conditions:
- (a) That approval apply to the revised plan prepared by Planning Initiatives Ltd. dated May, 1992, showing 238 lots and various blocks, revised in red as follows:
 - (i) to provide a 9m sewer easement from Street G to the east limit of the subdivision lands;
 - (ii) to provide a walkway between Lots 101 and 102 (Block 257);
 - (iii) to delete certain reserve blocks and to re-number the remaining blocks;
 - (iv) to provide 2 m x 2 m daylighting triangles at the corner of Lots 86, 143 and 203;
 - (v) to provide 9 m radius transitional curves at the beginning and end of all street bulbs;
 - (vi) to provide street widening adjacent to Rymal Road West to 18.0 m from the centreline (Blocks 255 and 256);
 - (vii) to provide an angle on Street C of less than 120 degrees and a centreline radius of the roadway of 30 m or less;
 - (viii) to provide a block of land shown as 3 m on the north east corner of Lot 13 and 2 m on the south east corner of Lot 13 for roadway purposes;
 - (ix) to provide a 5 m by 5 m daylight triangles at Lots 8 and 177;
 - (x) to realign Upper Paradise Road to reflect the road pattern in the approved Carpenter Neighbourhood Plan and the Blocks and Lots be revised accordingly.

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- (b) That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.
- (c) That the streets and walkway be dedicated to the City of Hamilton as public highways and public walkway in the final plan.
- (d) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (e) That the final plan conform to the Official Plan and Zoning By-law approved under the Planning Act.
- (f) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (g) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and total area of the subdivision in the final plan.
- (h) That the owner convey Block 239 to the City of Hamilton for park purposes.
- (i) That Blocks 240 to 248, inclusive, be developed only in conjunction with abutting lands.
- (j) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3 reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
- (k) That the owner satisfy the concerns of the Regional Roads Department with respect to access to Rymal Road West.
- (l) That the City of Hamilton acquire all the lands necessary for the extension of existing Upper Paradise Road, south of Rymal Road West to provide a street connection to this subdivision and these lands be established and contracted as a public highway.
- (m) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement, prior to the issuance of a final release by the City of Hamilton.

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- (n) That the owner agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton.
 - C. That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application, (25T-922002), Brusan Development Corporation, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
 - D. That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.
15. That approval be given to Zoning Application 92-09, Hope Haven Homes Family Rehabilitation Centre, Owner, for a further modification to the existing "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, to permit two emergency shelter bed units with the existing counselling rooms, in conjunction with the Rehabilitation Centre at 984 Montclair Avenue, on property located at 992 Montclair Avenue, as shown on the attached map marked as Appendix "H", on the following basis:
- (a) That the "D" (Urban Protected Residential, One and Two-Family Dwelling, Townhouses, etc.) District regulations, as set out under Section 10 of Zoning By-law No. 6593, as amended by By-law No. 89-336, applicable to the subject lands, be further modified to include the following variances as a special requirements:
 - (i) That Clause (b) of Section 1 of By-law No. 89-336 be deleted and the following new Clause be substituted therefore:
 - "b) That notwithstanding Section 10(1)(i) of By-law No. 6593, a residential care facility for the accommodation of not more than two (2) residents for Hope Haven Homes shall be permitted;"
 - (ii) That the following new Clauses be added to Section 1 of By-law No. 89-336:
 - "c) That Section 10(6) shall not apply;
 - d) That notwithstanding Section 10(4)(i), a lot width of 10.16 m and a lot area of 286.0 m² shall be permitted; and,

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- e) That Section 18A shall not apply."
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S-1138a, and that the subject lands on Zoning District Map E-45 be notated S-1138a;
 - (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-45 for presentation to City Council; and,
 - (d) That the proposed modifications in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
16. (a) That the Chairperson or his designate be authorized to attend a workshop to take place on 1993 March 8 to 12 in Charleston, South Carolina; and,
- (b) That cost for attendance be allocated to Alderman Travel Account No. CH55201-10010 from the 1993 operating budget.
17. That the demolition permit for 590 Stone Church Road East be issued on the condition that the applicant for the permit construct and substantially complete a new single family dwelling on the subject property by not later than two years from the date of the issuance of the demolition permit. As a further condition, upon failure to complete the new building within the two year period, the City Clerk shall be entitled to enter on the collector's roll to be collected in the like manner of municipal taxes the sum of \$20,000 and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential building was issued.
18. That leave be granted to introduce the following Bills:
- (a) Bill C-92 A By-law to adopt Official Plan Amendment No. 114 respecting lands located in the East Mountain Industrial-Business Park, located south of the East-West portion of the Red Hill Creek Expressway, east of Upper Ottawa Street and north and west of the Hamilton City Limits and lands known municipally as 467 Charlton Avenue East, located within the Corktown Neighbourhood
 - (b) Bill C-93 A By-law to adopt Official Plan Amendment No. 115 respecting lands located on the west side of Upper James Street, between Wembley Road and South Bend Road, municipally known as

1992 September 29

Nos. 674 to 712 Upper James Street, within the Bonnington Neighbourhood

- (c) Bill C-94 A By-law to adopt Official Plan Amendment No. 116 respecting lands located at the south-east corner of Stone Church Road East and Upper Wentworth Street, within the Butler Neighbourhood
- (d) Bill C-95 A By-law to adopt Official Plan Amendment No. 117 respecting lands located at Municipal No. 1630 Upper Gage Avenue, within the Eleanor Neighbourhood
- (e) Bill C-96 A By-law to repeal By-law No. 91-170 to adopt Official Plan Amendment No. 101 respecting land located at Municipal No. 674 Upper James Street within the Bonnington Neighbourhood
- (f) Bill C-97 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 80-063 and to repeal Zoning By-law No. 69-264 respecting land located at Municipal No. 2371 Barton Street East
- (g) Bill C-98 A By-law to designate land located at Municipal No. 16 West Avenue South as property of Historic and Architectural Value and Interest
- (h) Bill C-99 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 235 to 265 Dartnall Road
- (i) Bill C-100 A By-law to amend Zoning By-law No. 6593 respecting townhouses and maisonettes
- (j) Bill C-101 A By-law to amend Zoning By-law No. 6593 respecting land located at the south-east corner of Stone Church Road East and Upper Wentworth Street
- (k) Bill C-102 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal Nos. 1630 Upper Gage Avenue and 867 Rymal Road East
- (l) Bill C-103 A By-law to amend Zoning By-law No. 6593 and to repeal By-laws No. 87-68, 87-221, 87-222, 90-304, 90-312, 90-313, 90-305, 90-314 and 90-315 respecting lands located on the west side of

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Upper James Street between Wembley and South Bend Roads
(Nos. 676 to 712 Upper James Street)

- (m) Bill C-104 A By-law to establish Site Plan Control respecting lands located on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street)
- (n) Bill C-105 A By-law to amend Zoning By-law No. 6593 as amended by By-laws No. 74-151, 83-228 and 85-89 respecting the "M" (Prestige Industrial) Districts
- (o) Bill C-106 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 55 Lancing Drive

Respectfully submitted,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE

Tina Agnello
Secretary
1992 September 23

1992 September 29

Appendix "A" referred to in
Section 7(a) of the Sixteenth
Report of the Planning and
Development Committee for 1992

LYNDA MORRIS B.A. P.H.Ec.
95 Amelia St.
Hamilton Ontario
L8P 2V3

GRADUATE University of Toronto B.A. (Household Economics)

RECENT PRESENTATIONS ON SAFETY TO THE CITY AND REGION

-Planning and Development Committee (City) Recommendation:
Passed: Amendment to the Hamilton Official Plan -
Subsection C.7
Residential Environment and Housing Policy:
add clause: (xiii) support residential and neighbourhood
development that respects safety concerns. April 8, 1992

-Transportation Services Committee (Region) re: pedestrian
access to Red Hill Bowl March 30, 1992

-Planning and Development Committee (City) re: urban safety
March 25, 1992

-P.R.I.D.E. H.Int. C.A.C. (Programme for Renewal,
Improvement, Development and Economic Revitalization,
Housing Intensification Citizen's Advisory Committee) re:
urban safety Feb. 27, 1992

-Durand Neighbourhood Plan Implementation Committee re:
McNab Street Underpass March 2, 1992

-C.A.P.I.C. (Central Area Planning and Implementation
Committee re: arcades on north side of King Street
Feb. 14, 1992

-Citizens for Citizens (a Ward 3 citizens group) Re: urban
safety January 23, 1992

-Urban Design Committee re: urban safety project October 28,
1991, November 22, 1991

-Regional Task Force on Sustainable Development, re: urban
safety for women June 15, 1991

WRITTEN RECOMMENDATIONS FOR URBAN SAFETY TO:

-Predesign and Special Projects Division, Roads Department,
re: Magnolia/Guildwood Drive Pedestrian/Bicycle Crossing
March 4, 1992

-Durand Neighbourhood Plan Implementation Committee -
re: McNab Street Underpass Feb 27, 1992
Feb. 27, 1992

A more complete resume is available upon request.

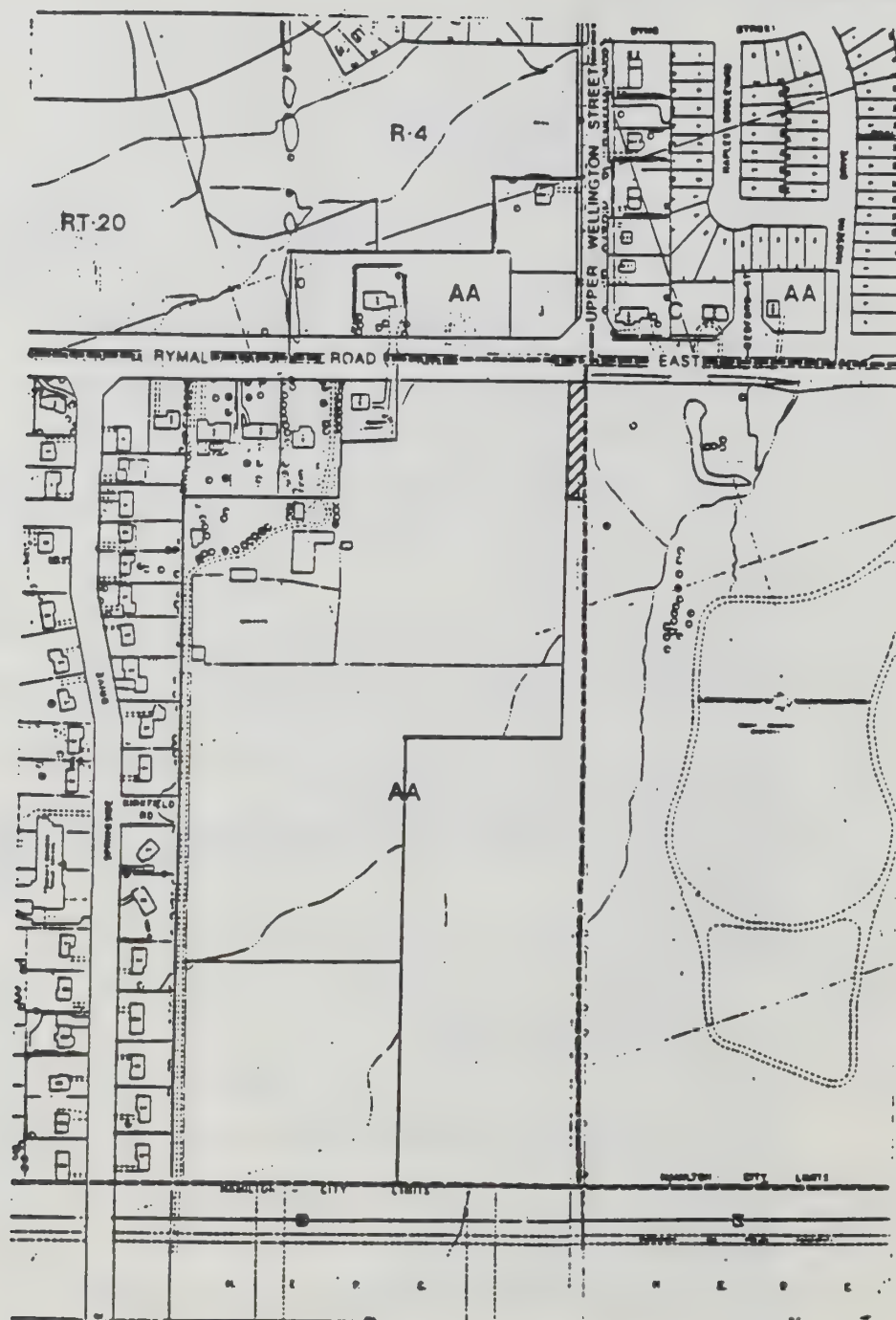
Budget

Estimated Time Required:	220 hours @ \$55	\$12,375
Estimated Disbursements:		2,511
Fee and Disbursements:		\$ 14,886
Recommended Funding		\$ 15,000

.....
Disbursements:

Photocopying	245 +36 +100	380
Transportation and parking for 35 audit participants:		150
Flashlights		60
Resource Materials		350
Public Meeting		
Refreshments-tea/coffee/juice		60
Babysitter		50
Sign Language Interpreters		150
Long Distance Calls		200
Parking		75
Bus Fare to Toronto (for research purposes)		75
Car Allowance @ \$0.35/km		200
Postage		136
Film and Processing (10 rolls)		300
One coil bound copy final report		100
Voice Mail box (first three months)		135
Post Office Box		40
Misc.		50

Appendix "B" referred to in
Section 10A of the Sixteenth
Report of the Planning and
Development Committee for 1992



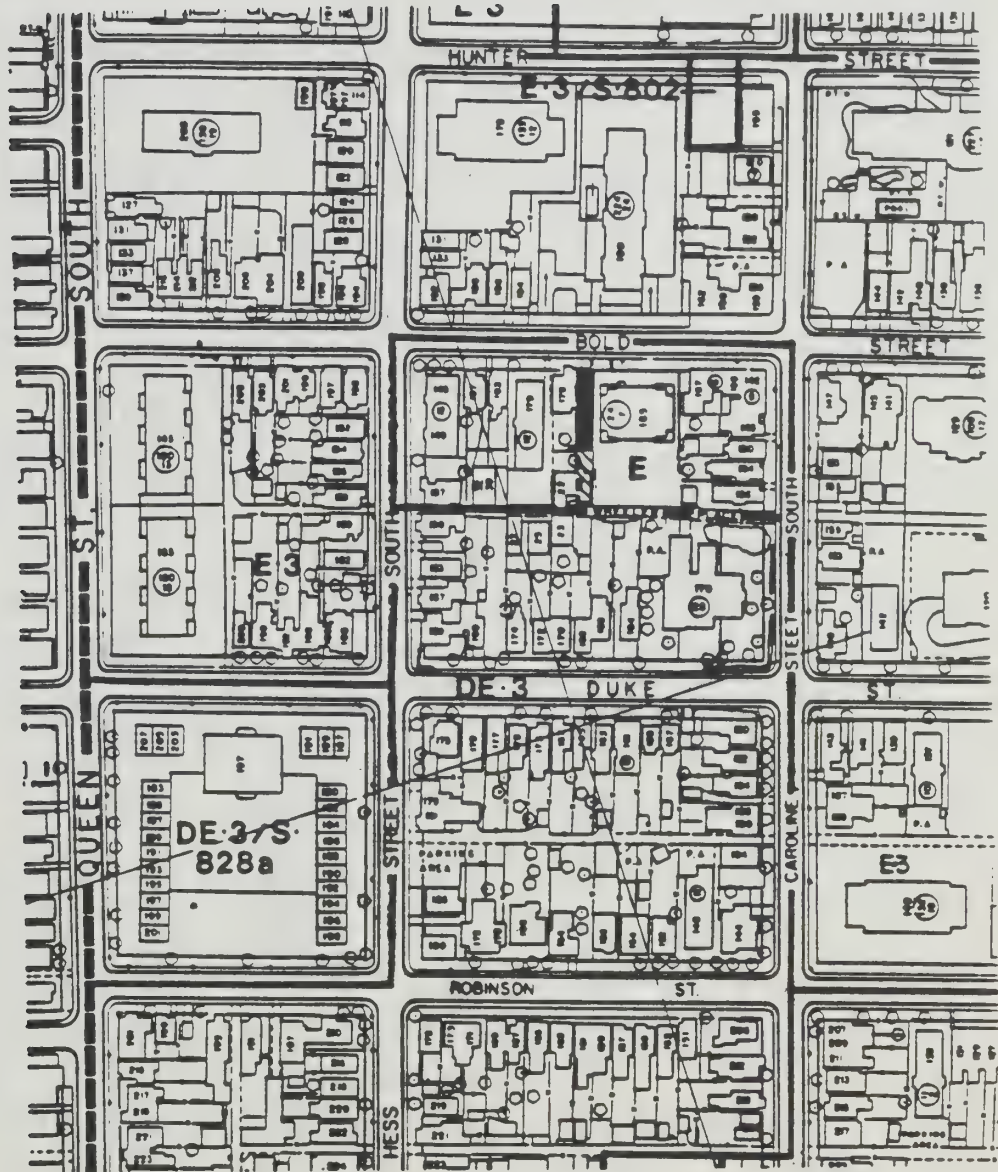
Legend





Proposed Change in Zoning From "AA" (Agricultural) District to
"DE-3" (Multiple Dwellings) District



Appendix "C" referred to in
Section 11 of the Sixteenth
Report of the Planning and
Development Committee for 1992

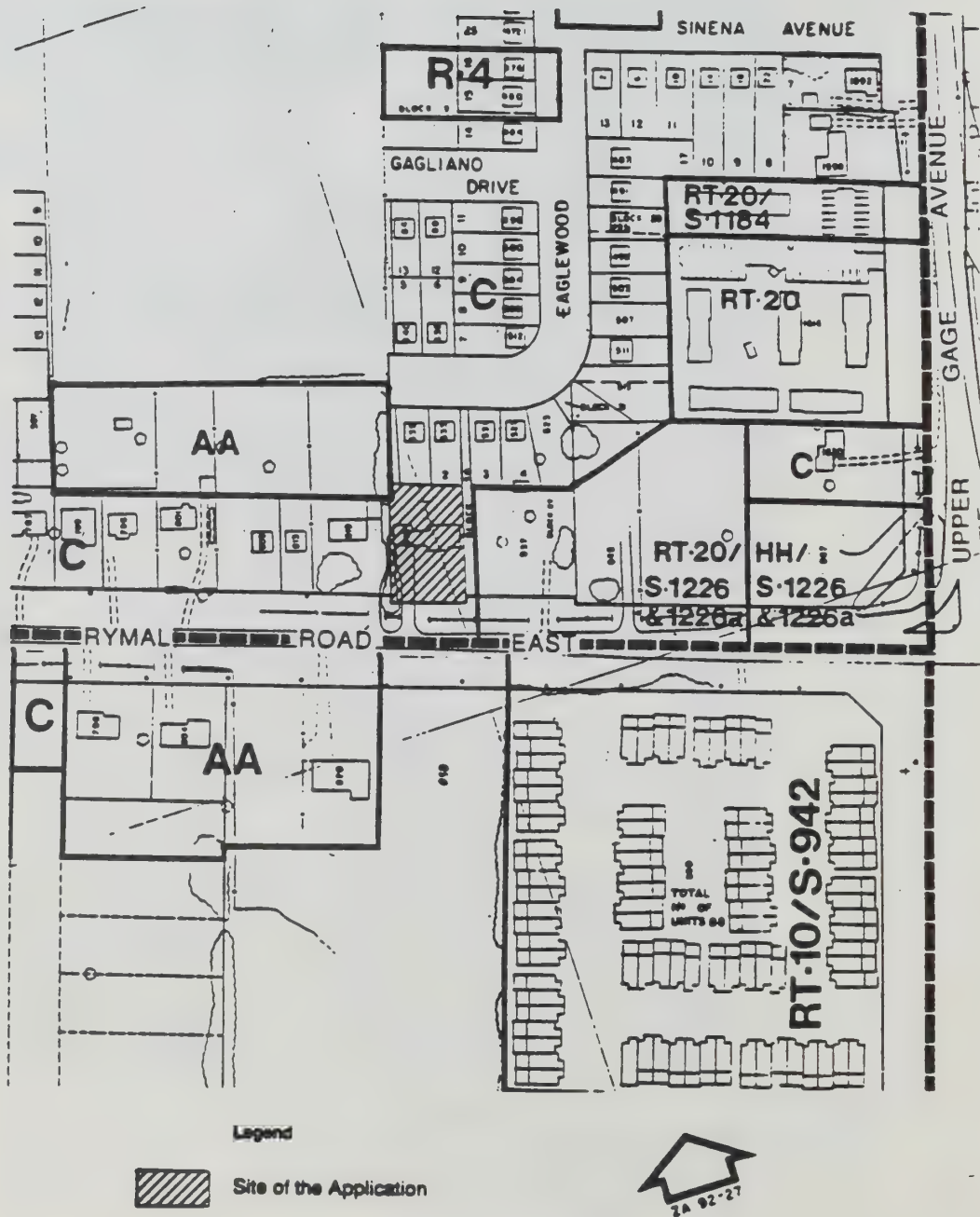


Legend

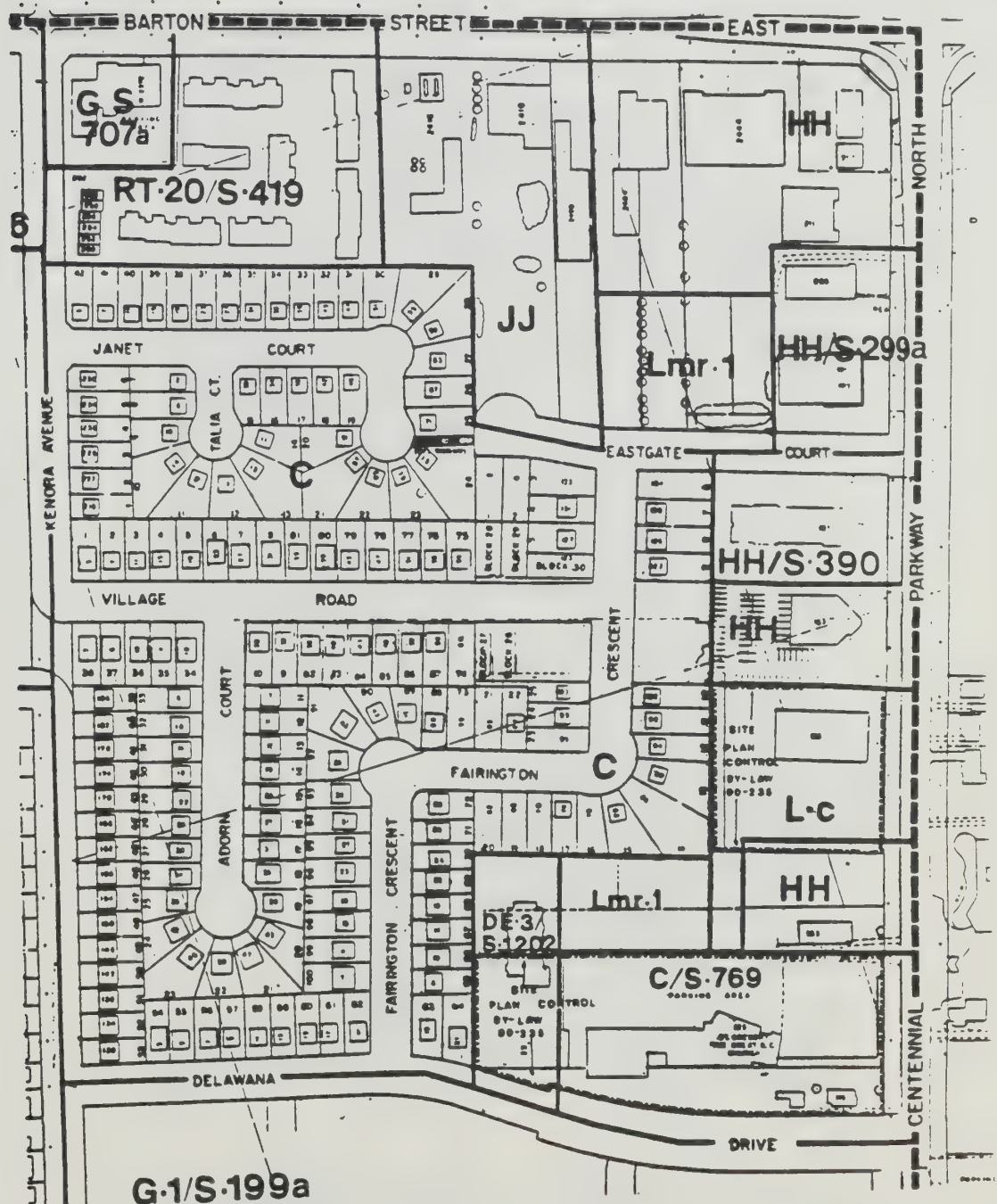
- Block "1"  Proposed modification to the "E"
Block "2"  (Multiple Dwellings, Lodges, Clubs, Etc.) District regulations.

ZA-92-20

Appendix "D" referred to in
Section 12 of the Sixteenth
Report of the Planning and
Development Committee for 1992



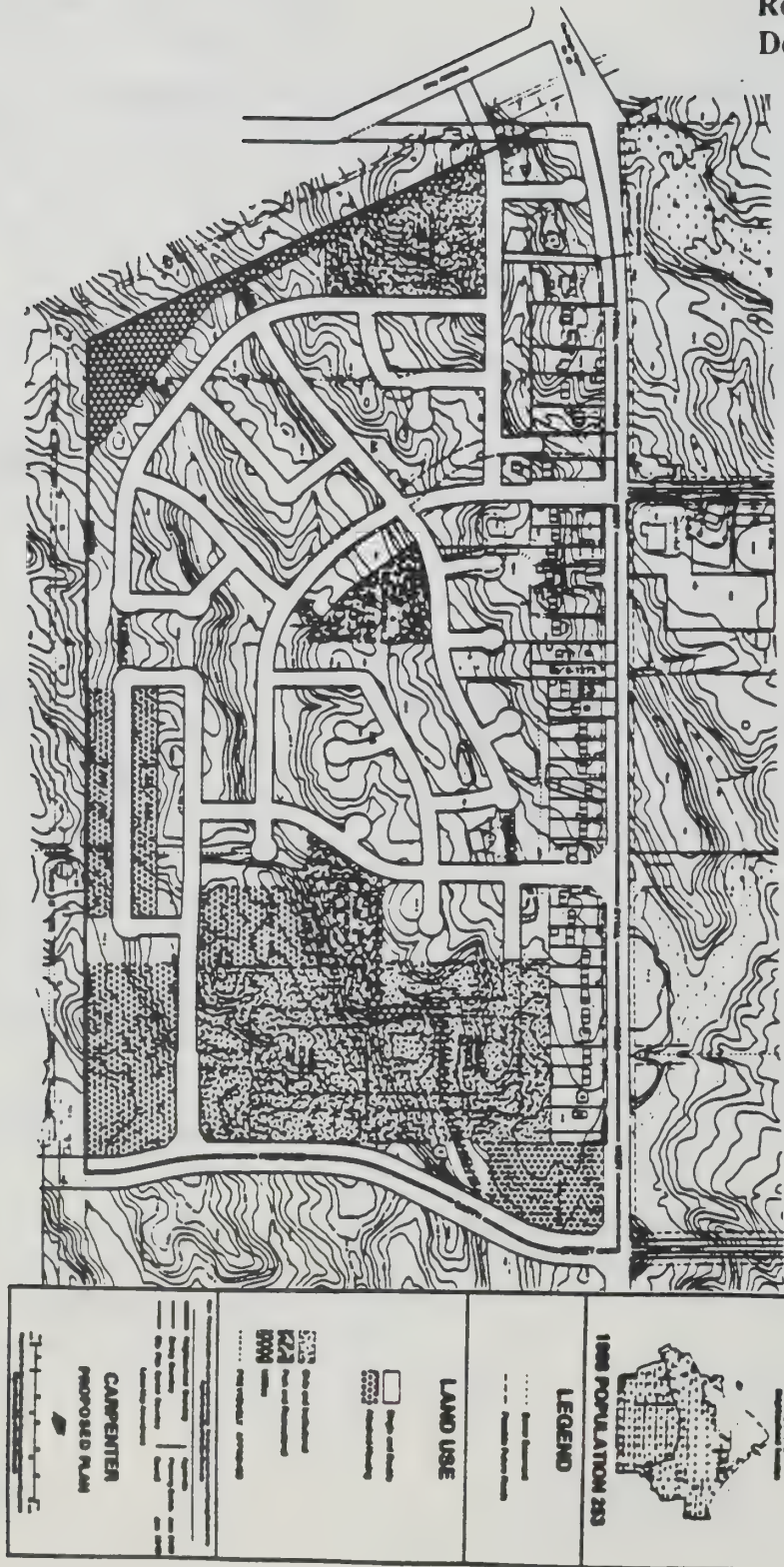
Appendix "E" referred to in
Section 13(a) of the Sixteenth
Report of the Planning and
Development Committee for 1992



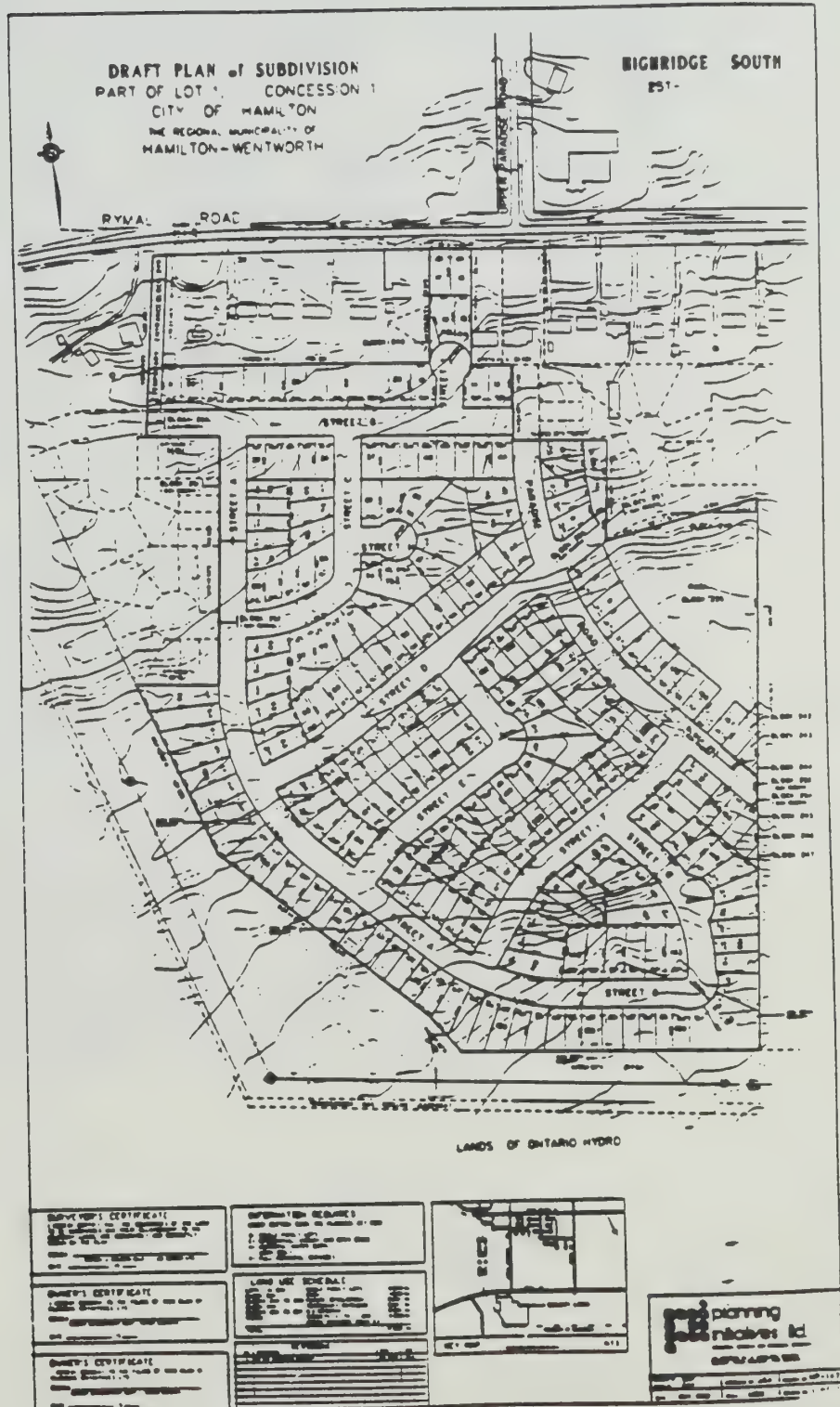
Existing Walkway
Kentley Neighbourhood

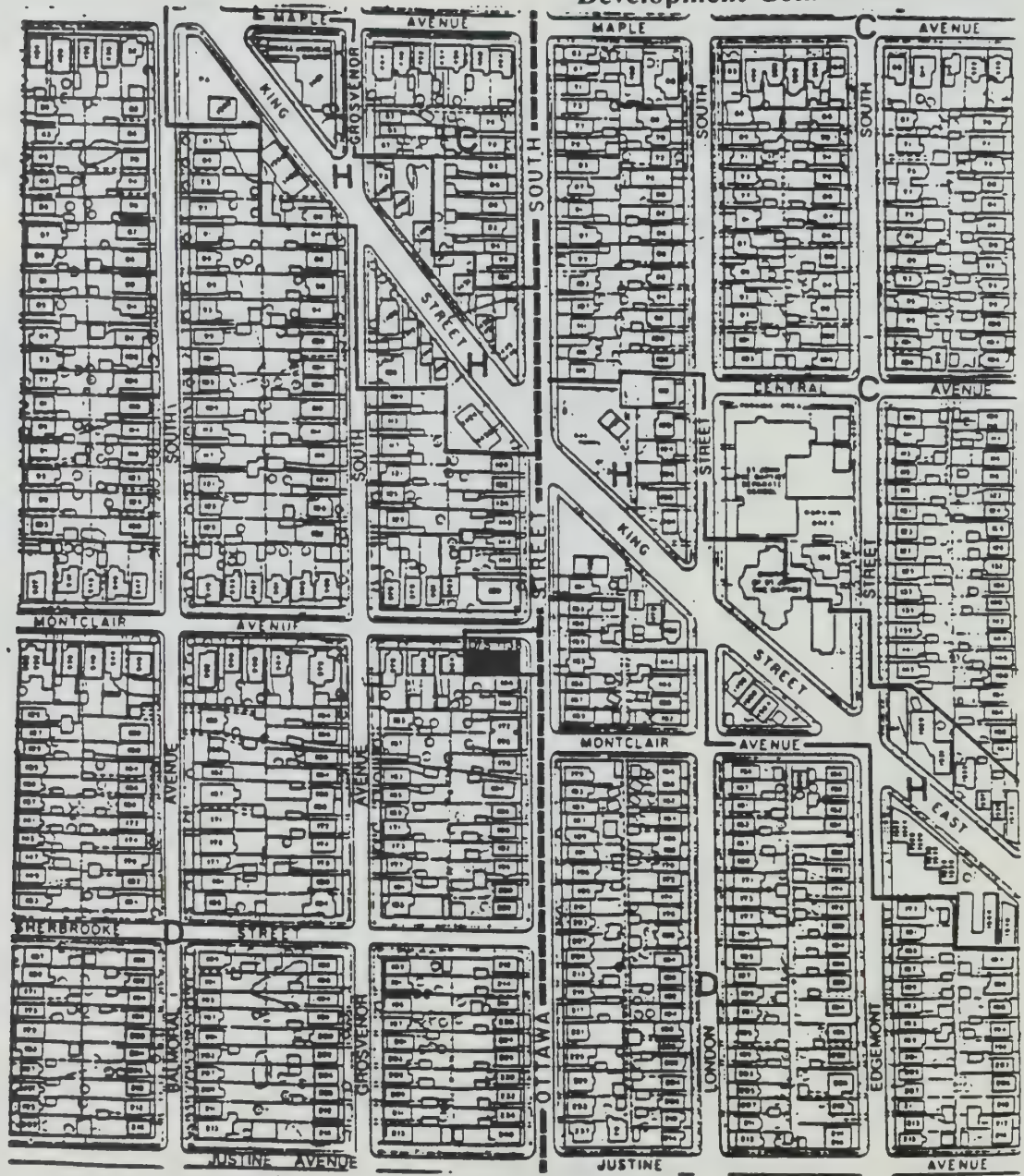
MAP - 2

Appendix "F" referred to in
Section 14A of the Sixteenth
Report of the Planning and
Development Committee for 1992



Appendix "G" referred to in
Section 14B of the Sixteenth
Report of the Planning and
Development Committee for 1992





Legend



Site of the Application



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REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **EIGHTEENTH** Report for 1992 and respectfully recommends:

1. (a) That the City of Hamilton petition the Provincial Government via the Provincial Treasurer and the Provincial Fair Tax Commission on the need to amend The Assessment Act in order to more equitably reflect assessment rates between wholesalers and retailers; and
- (b) That the Association of Municipalities of Ontario be requested to support this request.
2. (a) That after hearing the evidence and submission of the complainant, Hamilton-Halton Home Builders' Association, the Council of the Corporation of the City of Hamilton hereby confirms the development charges imposed on the property located at 2 Westlawn Drive have been properly imposed pursuant to the City Development Charges By-law 90-74.
- (b) That the Council of the City of Hamilton approve a modified deferred payment agreement as follows:
 - (i) That the owner enter into a deferred payment agreement respecting the development charges of \$1,723.20, and that the agreement be registered on the title of the property.
 - (ii) That an interest rate of zero per cent (0%) be charged on the deferred development charges.
 - (iii) That the development charge of \$1,723.20 become payable upon occupancy of the building.

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3. That as referred to in Section 26 of the Tenth Report of the Transport and Environment Committee for 1992, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct an independent concrete sidewalk on the east side of Upper Sherman Avenue approximately 35m north of Limeridge Road East to approximately 26m northerly at an estimated gross cost of \$6,200. with a City's share of \$4,102.40 to be financed from 1992 Capital Levy and the balance of \$2,097.60, being the Owner's share, to be financed by the issuance of debenture for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$2,097.60 for a term not to exceed 20 years for the above project.
4. That approval be given to the action taken by the Acting City Clerk in authorizing the Executive Council of Hamilton Neighbourhoods to use the Council Chambers on Thursday, 1992 September 10 from 7:00 - 9:00 p.m. for their September meeting.
5. (a) That approval be given to the action taken by the Acting City Clerk in authorizing the following:
 - (i) The use of the City Hall forecourt (or Council Chambers in the event of inclement weather) and related equipment by the Hamilton Branch of The Arthritis Society for the purpose of holding a ceremony proclaiming September "Arthritis Month".
 - (ii) Flying of The Arthritis Society Flag at City Hall from Tuesday, 1992 September 8 to Wednesday, 1992 September 30.
- (b) That the City Clerk be authorized to approve of a similar use in future years, provided it does not interfere with any other event.
6. That the listing of Appointments To and Terminations From Permanent positions with the Corporation of the City of Hamilton to 1992 September 15, attached herewith and marked Appendix "A", be approved.
7. That a purchase order be issued to Queenston Chev-Olds, Hamilton, in the amount of \$63,739.20 including all taxes, for the replacement of four (4) mid-size passenger vehicles Nos. 1305, 1306, 1347 and 1367 for By-Law Enforcement, being the lowest acceptable of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be financed through Replacement of Motorized Equipment Account No. CH5X503 00101.

8. That a purchase order be issued to Queenston Chev-Olds, Hamilton, in the amount of \$69,713.80 including all taxes, for the replacement of four (4) mid-size passenger vehicles Nos. 1388, 1308, 1342 and 1344 for the City Garage, being the lowest of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that this expenditure be financed through Replacement of Motorized Equipment Account No. CH5X503 00101.
9. That a purchase order be issued to Case Power & Equipment, Grimsby, in the amount of \$88,838.65 including all taxes for the replacement of One (1) Articulating Wheel Loader Unit No. 9509 for Fleet Services, being the lowest acceptable of four tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.
10. That a purchase order be issued to Taylor Chrysler Dodge, Hamilton, in the amount of \$80,845. including all taxes for the replacement of Three (3) 1/2 ton Pickup Trucks Unit Nos. 9300, 9332, 9349 and the purchase of Two (2) 1/2 ton Pickup Trucks for Fleet Services, being the lowest of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.
11.
 - (a) That the City Treasurer be directed to prepare a "Proposal Call for Auditors" for a five-year term starting with fiscal year 1993 for auditing services for the City of Hamilton, including its local Boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton in relation to the City's Financial Reports of 1993, 1994, 1995, 1996 and 1997; and
 - (b) That the City Treasurer be authorized to advertise in The Hamilton Spectator for the "Proposal Call for Auditors".
12. That the Treasurer be requested, as part of the 1993 Current Budget deliberations, to review the impact of a reduction in the current penalty and interest rate of 15% per annum charged on outstanding tax arrears and report back to the Finance and Administration Committee.

1992 September 29

13. (a) That the Cari-Can Organization be requested to account for the 1992 grant funds which were paid out to them in May in the amount of \$6,750.55 and that any unused portion of this amount which has not been used to pay for start-up expenditures for the 1992 Cari-Can Festival be immediately repaid to the City of Hamilton; and
- (b) That the amount of \$5,000. which has been held back to offset anticipated City of Hamilton charges for the 1992 Cari-Can Festival remain within the grants budget as a surplus.
14. (a) That effective 1993 January 1, the Optional Monthly Automatic Tax Payment Plan be implemented for commercial and industrial assessed properties for the payment of 1993 Realty Taxes.
- (b) That the Treasurer be authorized to proceed with the proposed public information and publicity campaign for the Monthly Automatic Payment Plan.
- (c) That the services of one contract or temporary Database Systems Analyst and three contract or temporary Database/CSP Programmers be obtained to program the replacement Property/Tax system for periods not to exceed 18 months. Funding is to be provided from Account # CH 55434-25415.
- (d) That the Director of Information Systems and the City Solicitor be authorized to develop a draft Policy for consideration by Committee and Council pertaining to the distribution and/or potential sale to third parties (including other Municipalities) of Computer Business, Process and Data Models, and software as developed by the City of Hamilton.
15. That the following salary classifications be approved:

(a)

<u>Position Title</u>	<u>Function</u>	<u>Grade</u>	<u>Salary</u>
Co-ordinator of Senior's Services & Food Services	Manages the Sackville Hill Senior's Centre and co-ordinates the provision of senior's services with outside agencies. Manages the provision of food services for the Department.	K	\$47,412.56 - \$55,811.08 per annum

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(b)

<u>Position Title</u>	<u>Function</u>	<u>Grade</u>	<u>Salary</u>
School Crossing Supervisor	Supervises the day to day operations of the School Crossing Program. Provides technical and administrative support to the School Crossing Program.	O	\$34,001.76 - \$39,962.52 per annum

16. That the following salary classification for a four (4) year contract position be approved:

<u>Position Title</u>	<u>Function</u>	<u>Grade</u>	<u>Salary</u>
Conservator	Provides conservation and preservation maintenance for museum artifacts, historical buildings and municipal public art and monuments.	M	\$40,640.60 - \$47,819.20 per annum

Funding for this position will be 100% funded by the Federal Department of Communications (Conservation Assistance Program) for year one. Grant funding for years two, three and four are 75%, 50% and 25% respectively. The balance to be funded from within the Department of Culture and Recreation's approved budgets.

17. (a) That the Council of the Corporation of the City of Hamilton adopt the following mission statement as it pertains to Child Care:

"The Corporation of the City of Hamilton recognizes its employees as both productive members of the Corporation and responsible members of their families and communities and acknowledges the importance of assisting them in balancing work and family responsibilities. This commitment shall be reflected through the implementation of policies, procedures and programs."

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- (b) That the development and implementation of policies, procedures and programs be reviewed by staff, the unions and Human Resources on an ongoing basis and amended as necessary.
- (c) That the Child Care Task Force prepare and submit to both City and Region Senior Management Teams and Union Presidents a report outlining various alternative working arrangements.
- (d) That employees, unions, and management be encouraged to accommodate alternative working arrangements.
- (e) That unions and management bring forward the following items in the next set of negotiations for mutual discussion:
 - (i) job sharing - two employees voluntarily share one full-time position
 - (ii) "family emergency" leave of absence - a leave of absence without pay for the purpose of attending to a family crisis, not to exceed five days per year; leave application can be made by telephone to a direct supervisor/manager; employees shall be offered the opportunity to make up lost time (wages) in straight time, i.e. no overtime.
 - (iii) maternity leave top-up - employees on maternity leave are given supplement to unemployment insurance benefits; the supplement is the difference between 75% of regular earnings and the sum of weekly U.I. benefits; maximum period of receipt is fifteen (15) weeks.
 - (iv) vacation entitlement - that vacations granted in any year shall be determined on the basis of aggregate credited service and such service is to include maternity/parental leave whether paid or unpaid.
- (f) That, in the interim, a Sub-committee be struck to include representation from CUPE Local 167 and Task Force members to discuss supporting and implementing job sharing.
- (g) That in the future, consideration be given to accommodating a Child Care Centre when any new City building is purchased or constructed.
- (h) That the Task Force prepare and forward a report to the the Manager, of the Real Estate Division, Property Department on the feasibility of implementing a Child Care Centre.

1992 September 29

- (i) That the Child Care Task Force continue to meet to complete the above tasks and that Council direction be given to representatives from the Department of Culture and Recreation, the Hamilton Public Library, the Department of Public Health and the Department of Social Services to assist in the compilation of an information brochure and the development of in-house service programs.

The above noted recommendation will also be considered by the Regional Administrative Services Committee and Regional Council.

- 18. (a) That approval be given to the sale of Break-Open Tickets from Third Party Locations on a permanent basis, subject to the Terms and Conditions which applied to the 6-month trial period, as attached hereto and marked Appendix "B".
- (b) That the issuance of Break-Open Ticket licences for the list of charitable organizations attached hereto and marked Appendix "C", be approved until 1992 December 31.
- 19. That the Second Draft of the Discussion Paper on Lottery Licence Terms and Conditions circulated to municipalities by the Ministry of Consumer and Commercial Relations, respecting the framework for new Terms and Conditions under which charitable organizations may conduct various lottery schemes, be endorsed. Copies of this paper were presented at the Finance and Administration Committee meeting and are available from the Committee Secretary upon request.
- 20. That the Regional Municipality of Hamilton-Wentworth be requested to co-ordinate the preparation of an Agreement between the various area municipalities permitting taxicabs to pick up passengers in one municipality and deliver into another municipality.
- 21. (a) That Section 5(a) of the Fifteenth Report of the Finance and Administration Committee for 1992 which was adopted by City Council on 1992 July 28 respecting Civic Awards for members of the Hamilton Hoppers Skipping Team be amended to change "civic silver pins" to "civic gold pins"; and,
- (b) That Section 5(b) of the Fifteenth Report of the Finance and Administration Committee for 1992 which was adopted by City Council on 1992 July 28 respecting Civic Awards for members of the Hamilton Hoppers Skipping Team be amended to change "civic silver rings" to "civic gold rings".

22. That civic gold pins be awarded to the following members of the Hamilton-Wentworth Aquatic Club for winning the 1992 Provincial Age Group Championship:

Julia Berglund	Marcus Montgomery
Steve Caswell	Cody Osmon
Shannon Clark	Jackie Oliveira
Kristin Hozjan	Jennifer Scott
Andrea Jenkins	Diana Staples
Megan Jones	Virginia Stonehouse
Julie Kecskemeti	Sheryl Turnbull
Goran Marjanovic	

23. That civic gold pins be awarded to Andrea Cosentino and Heather Gowan of the Hamilton Synchronized Swim Club for winning the 1992 Synchronized Swimming Age Group Provincial Championships held in Etobicoke, Ontario from 1992 May 7 - 9.

24. That the following civic awards be presented to members of the Hamilton and District Five Pin Bowling Association for winning the Masters Five Pin Provincial Championships and the Canadian Masters Five Pin Championship:

Michael Bates	-	Diamond Insert
Brenda Campbell	-	Civic Gold Pin, Civic Gold Ring
Stephanie Tuck	-	Diamond Insert
Rob Ward (Coach)	-	Civic Gold Ring

25. (a) That the Ministry of Transportation and Communication be requested to amend the Highway Traffic Act to prohibit auto repair solicitation at the scenes of accidents,
- (b) That the Association of Municipalities of Ontario be requested to support this request,
- (c) That the Police Services Board of the Regional Municipality of Hamilton-Wentworth, be advised of this action.

26. (a) That a brochure be designed for circulation to members of the public interested in applying to City Committees, Local Boards and Commissions;
- (b) That the City Clerk's Department be directed to advertise in various media, including ethnic media, a list of which will be provided by the Advisory Committee on Equitable Representation on Committees/Boards/Commissions;
- (c) That all Committees/Boards/Commissions be advised of vacancies when they arise;
- (d) That ethno-cultural communities, organizations representing the disabled, the Native Indian Centre, women's groups, and all other organizations or individuals upon request, be notified of vacancies on Committees/Boards/Commissions;
- (e) That the City Clerk's Department be encouraged to participate in free media advertising available including the cable network (particularly on ethnic programs) and ethnic radio broadcasts to encourage people to apply;
- (f) That all notices of meetings be circulated to the media.
- (g) That all Committees/Boards/Commissions be encouraged to hold some meetings in various facilities outside of City Hall and invite persons of those neighbourhoods to attend;
- (h) That members who miss three consecutive meetings without committee approval be subject to replacement on that committee;
- (i) That membership to all Committees/Boards/Commissions be staggered with 1/3 of its membership's terms of office expiring each year unless the terms of office are established by provincial or federal legislation;
- (j) That membership on Committees/Boards/Commissions be limited to two (2) consecutive Committee/Boards/Commission terms unless the terms of office are established by provincial or federal legislation;
- (k) That the Tracking Form and Application Form, attached hereto and marked Appendix "D", be adopted for use by members of the public interested in applying to Committees/Boards/Commissions;

1992 September 29

27. That the following resolution from the City of Guelph regarding the protection of the wildlife community with respect to preparation work to be done at development sites be received:

"WHEREAS Government needs to demonstrate leadership in the concern for the state of the earth;

AND WHEREAS development often results in the disturbance of natural habitats;

NOW THEREFORE BE IT RESOLVED THAT Guelph City Council petition the Ontario Government for the appropriate enabling legislation to prevent any site preparation work such as clearing, top soil stripping, or grading of lands prior to receiving appropriate planning approvals;

AND THAT the resolution be circulated to the Sewell Commission and municipalities having a population over 50,000 for endorsement".

28. That the following resolution from the City of Windsor respecting Enhanced 911 Telephone Emergency System be received:

"WHEREAS there is a widely held awareness of the usefulness, along with clearly demonstrated public safety benefits of the 911 telephone emergency dialing assistance to those in need of urgent ambulance, fire and police response and support; and

WHEREAS the Canadian Radio-Television, Telecommunications Commission (CRTC) is expected this autumn, to receive submissions from Bell Canada with regard to a proposal to implement subscriber billing for the operating costs of the enhanced 911 telephone emergency system; and

WHEREAS there are many areas in our Province without a 911 telephone emergency system or are without an enhanced version of the 911 telephone emergency system, and in particular the ambulance, fire and police emergency services along with the people of the City of Windsor do not have the benefit of the enhanced system, and further, the municipalities in the rest of this County do not have a 911 telephone emergency system at all; and

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WHEREAS it has been clearly demonstrated that the enhanced version of the 911 telephone emergency system is far superior with an excellent and instant method of automatically pinpointing the exact location of the person calling in need of emergency assistance,

THEREFORE BE IT RESOLVED that the CRTC be urged to receive submission as soon as possible, deliberate swiftly and without delay issue appropriate findings regarding a subscriber billing plan for implementation of the enhanced 911 telephone emergency system which will improve the safety and benefit of the people of our Province and further, that the Government of the Province of Ontario and its Ministries, the municipalities of the Province, ambulance, fire and police agencies and their respective organization groups, along with any other agency, body or individual who has interest in this matter also be urged to present their views and support of this proposal to the CRTC and further, a copy of this resolution be forwarded to the Ontario Association of Police Service Boards for distribution to the other Police Services Boards in Ontario and that it be recommended that their Executive favourably consider a presentation to the CRTC and further, this resolution be forwarded to the Association of Municipalities of Ontario 1992 Annual Meeting for their urgent support".

29. (a) That an Agreement of Purchase and Sale prepared by the Canadian National Railway Company and scheduled to close on or before 1992 November 20, for the purchase by the City of those lands situated in the Regional Municipality of Hamilton-Wentworth, in the City of Hamilton, having a frontage along the easterly road limit of Ferguson Avenue North of 26.20 metres (85.97 feet) more or less, by a depth of 50.81 metres (166.7 feet) more or less, being irregular in shape and comprising a total area of 1,331.361 square metres (14,331.12 square feet) more or less, and lying directly north of the property known municipally as 302 Ferguson Avenue North, be approved and completed and the purchase price of \$65,000. be charged to Account Centre 00102 (Reserve for Property Purchases).

1992 September 29

- (b) That as consideration in the amount of \$2.00 is to be paid to the owner as deposit, this amount be deducted from the purchase price.
 - (c) That the City agrees to pay, on closing, all of the Vendor's costs of the Reference Plan/Survey.
 - (d) That the City agrees within 365 days of this purchase to construct a 6 foot high fence at the request of the Canadian National Railway Company where the lands to be purchased abut exposed track.
 - (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.
30. (a) That the City of Hamilton host a reception for 325 delegates who will be attending the 1992 South Central Ontario Municipal Conference "Learning Together", sponsored by the Ontario Ministry of Municipal Affairs, Community Development Branch; and
- (b) That this reception be hosted at the Royal Connaught Hotel at a cost not to exceed \$3,900. Funds are available in the Special Receptions and Dignitaries Hosting Account #CH55314 84010.
31. (a) That the City of Hamilton host a reception for the Famous People Players at Hamilton Place, following their performance on Tuesday, 1992 September 29th; and
- (b) That the cost for this reception not exceed \$750. Funds are available in the Special Receptions and Dignitaries Hosting Account #CH55314 84010.
32. That the City lease for parking purposes .184 acres of land located at the corner of Birch and Harvey Streets belonging to Ontario Hydro for a five year period at a rate of \$2,040. per annum (which includes adjacent land presently leased from Ontario Hydro for the same purpose).

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33. That the City of Hamilton lease the parking lot owned by Theatre Aquarius Inc. beside The duMaurier Ltd. Centre for a Hamilton Parking Authority lot on the following terms:

- (a) That an initial minimum term commencing 1992 October 14, or the date of execution of the Lease - whichever is later, continuing to 1994 November 30.
- (b) That rent payable by the City to Theatre Aquarius Inc. during the initial Lease term and any renewal shall be:

- (i) fifty per cent (50%) of net revenue realized by the Hamilton Parking authority during the preceding calendar year (or part thereof, as the case may be), provided the minimum rent payable shall be not less than \$10,000. per year. Such rent shall be paid to Theatre Aquarius Inc. within sixty days of the end of each calendar year.

"Net revenue" is the gross revenue received from the operation of the parking lot after deducting related Parking Authority operating expenses including taxes, utilities, labour, repairs and insurance.

- (ii) issuance - at 50% of cost, monthly day passes requested by Theatre Aquarius Inc.; - at no cost, monthly day passes to Theatre Aquarius Inc. staff and 24 hour passes to the Executive Director and to the Production Director.
- (c) That Theatre Aquarius Inc. pay hydro power charges. The Parking Authority shall maintain and operate the parking lot, including payment of business and realty taxes.
- (d) That the City shall have an option to renew the Lease upon the same terms, from 1994 December 1, until 1997 September 30, subject to Ontario Municipal Board approval. During the initial Lease term, the City shall apply for this approval from the Ontario Municipal Board for the Lease renewal.
- (e) That the City shall have further option to renew the Lease from 1997 October 1, for an additional five-years on the same terms, subject to Ontario Municipal Board approval and subject to the right of Theatre Aquarius Inc. to terminate the Lease during this renewal period, if the property is required by Theatre Aquarius Inc. for purposes other than the parking of cars.
- (f) That the Mayor and the City Clerk be authorized to execute the Lease in a form satisfactory to the City Solicitor.

1992 September 29

- (g) That the City Solicitor be authorized to apply for Ontario Municipal Board approval to renew the Lease from 1993 November 1 to 1997 September 30.
- 34. That the Parking Authority be authorized to take the dual action of offering a surplus-declared carpark located at 90 Kinrade Avenue (land bounded by Kinrade on the east and Chestnut on the west) for sale to Civic departments and at the same time for sale to the Public.
- 35. That leave be granted to introduce the following Bills:
 - (a) Bill H-61 A By-law to amend Municipal Tax Levy By-law No. 71-69 respecting Optional Pre-authorized Realty Tax Payments.
 - (b) Bill H-62 A By-law to confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1992 September 24**

Appendix "A" referred
to in Section 6 of the
Eighteenth Report of the
Finance and Administration
Committee for 1992.

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. Raymond Bagloli	Traffic Serviceman/ Woman I (11-E)	Traffic	Replacing Mr. G. Bartolotta - promoted	\$28,850.64 to \$31,800.60	08/31/92
Mr. Ronald Buttrum	Forester I (D-20B)	Public Works	Replacing Mr. S. Plante - promoted	\$34,956.48 to \$27,725.88	08/03/92
Mr. Alexander Chowchun	Forester I (D-20B)	Public Works	Replacing Mr. B. Fleming - promoted	\$35,372.48	08/03/92
Mr. Mike DiSanza	Parking Control Officer (13-1)	Traffic	Additional Staff Council Approved - April 14, 1992	\$31,612.88 to \$36,305.88	08/31/92
Mr. Doug Eldridge	Parking Control Officer (13-1)	Traffic	Replacing Mr. J. Rose - promoted	\$31,612.88 to \$36,305.88	08/31/92
Mr. Dennis Farkas	Breathing Apparatus Technician Firefighter (6-CA)	Fire	Replacing Mr. C.V. Lofthouse - retired	\$50,667.57	09/06/92
Mr. Alvin Hansen	Greenskeeper II (D-13B)	Public Works	Replacing Mr. P. Lecompte - promoted	\$33,280.00	07/13/92
Mr. Dean Jamieson	Street Sweeper/Flusher (D-14D)	Public Works	Replacing Mr. K. Ridgewell - transferred	\$33,789.60	08/17/92

Prepared 15/09/92

**THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS**

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. William Longley	Forester 1 (D-108)	Public Works	Replacing Mr. D. Couch - promoted	\$35,372.48	08/03/92
Mr. Joel Luke	(Sports Groundskeeper 11) Labourer (D-10A)	Public Works	Replacing Mr. J. Tasic - resigned	\$32,583.20	08/03/92
Mr. Douglas Pickard	Customer Service Rep. Plan Examiner (19-A)	Building	New Position Council Approved - March 21, 1991	\$34,842.08 to \$40,598.48	08/17/92
Mr. Horat Weber	Sports Groundskeeper 11 (D-10A)	Public Works	Replacing Mr. M. Orr - promoted	\$32,583.20	08/24/92

Prepared 15/09/92

TERMS AND CONDITIONS

(i) Except for Provincial Terms and Conditions 3, 4b, and 17b mentioned in the Minister's letter, dated March 6, 1987, that applicants for licences comply with all applicable laws and provisions of the Lotteries By-law.

(ii) That licence applicants, requesting exemption to Terms and Conditions 3, 4(b) and 17(b) as part of their application:

(a) file proof satisfactory to the Licence Committee that the applicant either does not own or regularly occupy premises, or that the premises owned or occupied are impractical for the sale of tickets;

(b) file the signed written consent of the owner or occupier of the premises to be used for the sale of tickets, allowing the sale of tickets for the term of the licence;

(c) file the account number, bank name and branch of the lottery account, and the full names and home addresses of signing officers for the account, specifying whether withdrawals may be made on their signature alone, or with the signatures of other officers;

(d) file a statutory declaration of the applicant, on the form provided by the Licence Division, specifying that no direct or indirect payment is or will be made for the use of premises, property and services involved in the sale of tickets, or otherwise, to the owner or occupier of the premises from which tickets will be sold;

(e) file the statutory declaration of the owner or occupier of the premises from which tickets will be sold, on the form provided by the Licence Division, that no direct or indirect payment has been made, requested or promised from the licence applicant for the use of premises, property and services involved in the sale of tickets, or otherwise, and that no deduction will be made from the proceeds of the lottery when turning over such proceeds to the licence holder, save for cash prizes paid out to winners;

(f) file the signed written approval of the designated member in charge, that they have reviewed the security for tickets and money, and the requirements for the sale of tickets with the owner or occupier of the premises to be used, and have found them satisfactory and responsible;

(g) file sufficient information to allow the Licence Committee to identify the location for sale of tickets, the placement of the container holding tickets while it is being used for ticket sales, and for the Licence Committee to approve the location and placement as suitable for the sale of tickets based on security and appropriateness for a lottery.

(iii) That the licence holder file the signed written right of access of the manufacturer and distributor of the tickets to be sold, prior to the sale of any tickets.

(iv) That, in addition to their regular duties, the person or persons designated to be in charge of the lottery undertake to, on a weekly basis:

(a) attend at the commercial or third party location authorized, to pick up the receipts from boxes of tickets sold, and make a record of a reconciliation of the inventory of tickets, and the receipts, with boxes of tickets sold (for this purpose the seller shall not have more than one box of tickets in the jar for sale at any one time);

(b) make an immediate deposit of the receipts obtained under (A);

(c) review the measures being made for the security for tickets and money from the lottery, and take any necessary steps to ensure the receipts from the lottery are obtained and can be applied to the charitable objects listed in the licence.

(v) That, in addition to their regular duties, the person or persons designated to be in charge of the lottery shall undertake to:

(a) produce to the Licence Division, on a monthly basis, the updated bank book for the lottery account, and copies of the reconciliations from (iv)(a) above for the previous month, and cheques for any withdrawals from the account with the reason for the withdrawal noted thereon, and information on the number and location of all boxes of tickets;

(b) advise the police and the Licence Division of the City, immediately upon the discovery of any shortfall of money or tickets by reason of suspected loss or theft;

(c) maintain records of the reconciliations for at least four years after the licence has expired.

(vi) To ensure the separation of funds, not more than 1 licence shall be issued for a location at one time, and for the purposes of clarity, a location shall be deemed to

be the entire commercial or third party location under the control of the owner or occupier.

(vii) That as part of the approval process, a licence inspector be designated to attend at the premises to be used for sales, to review with the owner or occupier, the relationship with the licence holder, the applicable terms and conditions, the remuneration which has been provided by the owner or occupier, and to assist with questions on the required method of selling tickets.

(viii) That no person or organization shall receive any remuneration for selling tickets.

(ix) That if any terms and conditions are violated, the licence be recommended for suspension or revocation.



Office of the
Minister

Bureau du
Ministre

Ministry of
Consumer and
Commercial
Relations

Ministère de la
Consommation
et du
Commerce

416/963-0311

555 Yonge
Toronto
M7A 2H6

March 6, 1987

TO ALL MUNICIPAL COUNCILS

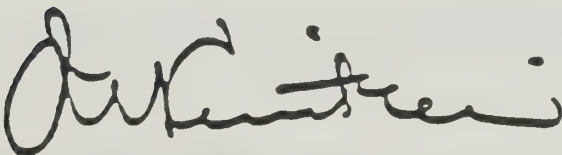
In December 1986, terms and conditions for the issue of Nevada ticket licence were sent to all municipalities by the Lotteries Branch of my ministry. I approved these terms and conditions and I strongly recommend they be complied with by all licencing officials.

However, I have been made aware of a number of charitable and community spirited groups which would otherwise qualify for Nevada ticket licence, but do not own or regularly occupy premises as required by Section 3 of the terms and conditions. Indeed, many of these groups were in receipt of licence and committed to worthwhile projects when the terms and conditions were issued.

In order to alleviate the hardship created for some charitable groups, I hereby authorize a municipal council, in its own discretion, to grant an exemption to the requirements of Sections 3, 4(b) and 17(b) of the terms and conditions provided that:

- (a) the licence applicant cannot meet the requirements of Section 3; or
- (b) the licence applicant meets the requirements of Section 3 but it is impractical to sell tickets from that location;
- (c) the sale of tickets is limited to ONE location only; and
- (d) all other sections of the terms and conditions are complied with.

Where an exemption has been granted, a municipal council must ensure the licensee complies with ALL OTHER TERMS AND CONDITIONS and the recipient charity receives maximum proceeds from the sale of Nevada Tickets.



MONTE KWINTER

Minister

THESE ARE THE CONDITIONS WHICH APPLY WHEN THE
BREAK-OPEN TICKET LICENSE IS ISSUED
(FORM 802-70)

It is a condition of each license that:

- (1) The license shall comply with Sections 189 and 190 of the Criminal Code of Canada.
- (2) (a) the license shall comply with all the terms and conditions set out in the application for license.
(b) an application for Break-Open Tickets shall be made either:
 - (i) to the local Municipal Council in those Municipalities where all Break-Open Ticket licenses are issued by that Municipality with the exception of the provisions contained in Section 5, or, in all other cases
 - (ii) to the Lotteries Branch, after appropriate approval is obtained from the local Municipal Council or Band Council where the sales are proposed to take place.
- (3) A Break-Open Ticket License shall only be issued to a charitable or religious organization which owns or regularly occupies premises at which tickets will be offered for sale.
- (4) (a) Each applicant for a license shall specify one designated location at the address where all Break-Open Tickets will be sold. If a license is issued, tickets shall not be sold at any place other than the location designated in the application and specified on the license.
(b) The designated location specified pursuant to this section shall not be a public, commercial, retail location, nor a location licensed by the L.L.B.O. as a public tavern or beverage room.
- (5) Break-Open Tickets may be sold in association with another Social Gaming event provided that:
 - (i) the tickets are sold under a license issued by the Lotteries Branch pursuant to Section 2(b)(ii)
 - (ii) the license is issued only to the charitable or religious group(s) conducting the other event(s) at the location where the tickets are to be sold
 - (iii) all terms and conditions for the sale of Break-Open Tickets and the conduct of the other event(s) are complied with.
- (6) No license shall be issued for a period exceeding six months.
- (7) A license shall be issued only for the sale of Break-Open Tickets which retail for a maximum of .50¢ and conform with the ticket quantities, prizes and prize payouts as provided below; scratch-off or other forms of break-open tickets are not permitted. The value of any prize awarded shall not exceed \$100.00.

COMMON NAME	NO. OF TICKETS PER UNIT	PRICE PER TICKET	GROSS UNIT REVENUE	NO. OF WINNING TICKETS PER UNIT	PRIZES PER UNIT	LICENSE FEE PER UNIT
Regular	1664 or 1664	\$.50	\$ 834 or \$ 832	224	\$600.00	\$10.00
Super	2184	\$.50	\$1082	224 or 228	\$800.00	\$12.00
Junior	1664 or 1664	\$.25	\$ 417 or \$ 416	224	\$294.00	\$5.00

- (8) The licensee shall forward a copy of the licence to the manufacturer or the distributor from which tickets are to be purchased.
- (9) The applicant shall supply, upon the request of the licensing authority, a signed right of access from the distributor and the manufacturer of the tickets in which the application is submitted.
- (10) The licensee shall indicate on the face of the tickets the name of the organization, the numbers and amounts of the prizes to be awarded, the price of a ticket, the serial number of the ticket, the licence number and the name of the manufacturer of the ticket.
- (11) The licensee shall maintain all funds raised in a separate account. Such account shall be appropriately designated and into it shall be deposited all and only monies received from the operation of the Break-Open Ticket Lottery less the cash payments made for prizes and administrative expenses. All withdrawals from such designated lottery account shall be exclusively by cheque and only be for the purpose of the payment of the necessary and reasonable expenses incurred in the operation of the lottery or for the disbursement of net proceeds derived for one or more charitable object or purposes. The comminglings of monies derived from the conduct of a lottery with any other funds of the licensee or monies derived from Break-Open Tickets Lottery with monies derived from any other type of lottery is strictly prohibited.
- (12) The gross receipts derived from the sale of Break-Open Tickets shall be used for the charitable or religious objects or purposes set out by the licensee in the application for the licence less all reasonable costs actually expended for the payment of prizes, the purchase of tickets, administrative costs and licence fees.
- (13) All proceeds derived from the sale of Break-Open Tickets shall be used for a charitable or religious object or purpose in Ontario.
- (14) No part of the proceeds derived from the conduct of a Break-Open Ticket Lottery shall be applied to the premises at which the sale of Break-Open Tickets is authorized unless the use of the proceeds for such purpose shall enhance the ability of the licensee to perform services of public good or welfare, and written permission is obtained from the Licensing Authority. The annual amount of proceeds which any licensee may expend on the premises shall not exceed twenty-five percent of the total net proceeds derived from the conduct of the lottery.
- (15) No licensee shall offer for sale any ticket or number of tickets not contained in a jar, box or other container in which all tickets of the given unit have been placed for sale.
- (16) When the number of tickets within the container has been apparently reduced by one-half, the licensee shall refill the container by adding an additional unit (units) of tickets.
- (17) (a) The licensee shall designate a bona-fide member or members of the organization to be primarily responsible for the sale of tickets, the payment of prizes and the keeping of all required records.
(b) The actual handling or selling of tickets shall not be delegated to any organization, company, entity, or to any other person who is not a bona-fide member of the licensee.
- (18) No person who is in any way associated with the sale of Break-Open Tickets shall be permitted to purchase a ticket or participate in the winnings of any ticket.
- (19) No person or organization shall receive any remuneration for selling Break-Open Tickets. Maximum administrative expenses for the sale of tickets shall not exceed .01¢ (one cent) for each ticket sold.
- (20) The licensee shall not sell any ticket at a price other than the price appearing on the face of the ticket.

- (21) All Break-Open Tickets shall be opened by the purchaser at the premises stated on the license and all winning tickets shall be exchanged for cash on the day of sale.
- (22) Winning tickets shall be defined by the seller at the time of prize payout.
- (23) Each licensee will be held responsible for and shall guarantee the payment of all winnings.
- (24) The licensee shall post the Break-Open Ticket License in a conspicuous place at the premises where tickets are being sold.
- (25) The licensee shall obtain invoices for all Break-Open Tickets purchased and retain all invoices for a period of no less than two years.
- (26) Each licensee shall at all times maintain complete security over the Break-Open Tickets in its possession and all funds associated therewith. For control of inventory purposes, all stock must be stored and kept in one fixed location in order to permit, if requested, the periodic reconciliation of stock usage and cash flow.
- (27) (a) The licensee shall not permit any person under the age of sixteen years to purchase a ticket.
(b) The licensee shall not extend credit, accept cheques or accept payment by way of credit card for the purchase of any Break-Open Tickets.
- (28) Each licensee shall submit a report on the sale of Break-Open Tickets as set out in Form BOM-8.
- (29) Such officers as the Minister and Municipal Council may appoint, and all Peace Officers shall, at all reasonable times, have direct and unencumbered access to enquire into the nature, management and conduct of the proceedings for which the license has been granted, either prior to, during, or after the conclusion of such proceedings.
- (30) A license may be suspended, cancelled or renewal refused by the issuing authority for breach of any term or condition.
- (31) The Minister may, at any time, suspend or cancel a license for the breach of any term or condition, or where, in his opinion, to do so is in the public interest.

Appendix C referred
to in Section 18(b) of the
Eighteenth Report of the
Finance and Administration
Committee for 1992.

NEVADA TICKETS - 3RD PARTY LOCATIONS

CHARITY	3RD PARTY	ADDRESS	STARTING DATE	TICKETS SOLD	COMMENT
Aquatic Club	Food Fair	Jackson Square	April 18/92	32 (\$7,584.)	successful
Arthritis Society	Connaught Ticket Agency	Jackson Square	March 1/92	28 (\$6,636.)	successful
Big Brothers	Mellows	1685 Main St. W.	March 2/92	68 (\$16,116.)	successful
C.N.I.B.	Mellows	140 Centennial Pkwy.	March 17/92	30 (\$7,110.)	successful
Camusa Games (location will be changed)	Shoppers Drug Mart	550 Pennell Ave.	June 2/92	no state	slow
Catholic Child Aid	Fortino's	801 Mohawk Rd. W.	April 3/92	18 (\$4,226.)	successful
Children's Aid (problem resolved and stricter controls initiated)	The Keg	33 Bowen	April 7/92	14 (\$3,318.)	theft
Comm. Child Abuse	Oakwood Place	1091 Barton St. E.	Aug. 12/92	no state	new lottery
Conqueror II	Panama Jack's	Upper Gage	March 23/92	25 (\$5,925.)	successful
Crime Stoppers	Beni's	John St. S.	Aug. 4/92	no state	new lottery
Diabetes Assoc.	Fortino's	Wellington & Mohawk	Aug. 7/92	14 (\$3,318.)	successful
Family Services	Westown Bar & Grill	Locke St.	July 3/92	14 (\$3,318.)	successful
Firefighters Drum	Cross Roads	Beside Delta Bingo	June 1/92	no state	

NEVADA TICKETS - 3RD PARTY LOCATIONS

CHARITY	3RD PARTY	ADDRESS	STARTING DATE	# BOXES SOLD	COMMENT
Good Shepherd Centre	Fortino's	Dundurn	Apr. 9/92	9 (\$2,133.)	successful
Good Shepherd W. P. M. (problem is being addressed and stricter controls initiated) Gourley Park	Fortino's James McDonald Schl	Mall Road Chestley St.	Apr. 9/92 May 25/92	16 (\$3,792.) start up date: Sept 1992	theft
Ham. East Kiwanis (forced to get new location); Giant Tiger will no longer sell these tickets) Hamilton Minor Ft.	Giant Tiger Fortino's	Ottawa St. 981 Upper Ottawa St.	Apr. 1/92 Apr. 6/92	15 (\$3,555.) 24 (\$5,688.)	successful successful
Hamilton Muskies	Bronzies	201 James St. S.	Apr. 28/92	24 (\$5,688.)	successful
Head Injury	Mugs and Jugs	Limeridge Rd.	Apr. 2/92	16 (\$3,792.)	successful
Heart and Stroke (problem resolved; stricter controls initiated) Hope Haven (problem is being resolved; stricter controls initiated) Kidney Foundation (problem resolved; stricter controls initiated) Kilty Bees	Fortino's Bus Terminal Dabber Hut Rays Boat House	Eastgate Sq. Rebecca King St. Dundurn St.	May 26/92 July 2/92 July 9/92 May 7/92	10 (\$2,370.) 4 (\$948.) 40 (\$9,480.) 13 (\$3,081.)	theft theft theft successful
Kinsmen (forced to change location); Cigar Store no longer wants to sell these tickets.) Little Brothers	Cigar Store Fortino's	Centre Mall 310 Limeridge W.	May 29/92 April 9/92	60 (\$14,220.) 16 (\$3,792.)	successful successful
Lung Assoc.	Variety Store	634 Parkdale W.	Apr. 7/92	4 (\$948.)	successful
March of Dimes (charity has cancelled this lottery scheme for now) Multiple Sclerosis	Fortino's R. Place Tavern	399 Greenhill 172 Beach Rd.	Apr. 13/92 June 18/92	20 (\$4,730.) 6 (\$1,422.)	theft slow

NEVADA TICKETS - 3RD PARTY LOCATION

CHARITY	3RD PARTY	ADDRESS	STARTING DATE	TICKETS SOLD	COMMENTS
Navy League	Cagney's	Upper Gage	Aug. 10/92	no stats	new lottery
Muscular Dystrophy (Cigar store no longer wishes to sell these tickets) Neigh. to Neigh.	United Cigar Store Agresta's	Eastgate Mall 10 Young St.	Mar. 15/92 Aug. 12/92	no stats no stats	must move new lottery
Optimist Club	Clancy's	45 Goderich Rd.	May 28/92	32 (\$7,529.)	successful
Ridge Raiders	Prisco's	Upper James	July 16/92	13 (\$3,081.)	successful
Rotary Club A. M.	Benl's	1187 Upper James	May 7/92	no stats	
Rygiel Home	Chap's	Westdale	July 23/92	6 (\$1,422.)	successful
S.P.C.A.	Peddles	Barton St.	Aug. 15/92	5 (\$1,185.)	new lottery
Steel City Wheelers	Gold Door Variety	125 Gallmont	July 30/92	no stats	new lottery
Stroke Recovery	Front Page Coffee	Westcliffe Mall	Aug. 6/92	no stats	new lottery
Temple Anshe Shalom	Lottery Kiosk	Queenston Mall	Mar. 16/92	20 (\$4,740.)	successful
Volunteer Centre	Prince Edward Hotel	737 Barton St. E.	Aug. 7/92	no stats	new lottery
Went. Fig. Skating	O'Tooles	Queenston Rd.	Aug. 6/92	32 (\$7,592.)	new lottery
West Mount. Baseball	Matt's Sports Cafe	870 Upper James	June 24/92	18 (\$4,266.)	successful
YMCA - Warriors (cancelled: too much work for the restaurant staff)	Harry's Roadhouse	Cannon St. E.	Aug. 4/92	12 (\$2,844)	completed
TOTAL:				\$155,050	

APPLICATION FORM
FOR APPOINTMENT TO
CITY OF HAMILTON BOARD, COMMITTEE OR COMMISSION

Please complete the Application Form and include a resume of qualifications, work experience and any additional Community involvement.

The City of Hamilton encourages all residents of the City of Hamilton to apply for membership on City Committees/Local Boards/Commissions. The Finance and Administration Committee approved the appointment of a Sub-Committee in March 1990, to receive and review the Visible Minority Survey of Boards and Commissions. As a result of this, an Advisory Committee was established. Its mandate is:

- to initiate publicity on Municipal Government, Committees/Boards/Commissions ensuring equal opportunity for all Citizens;
- to track the flow of applications; and,
- to undertake a variety of Public Education Activities to Broaden the Understanding of the Function of Committees/Boards/Commission.

Your co-operation is required in filling out the attached Tracking Form. This information is for statistical purposes only and will help the Advisory Committee determine how successful the existing outreach program is, and will assist in identifying any changes needed to promote fair appointment practices in the future.

The completion of the attached Tracking Form is voluntary and information obtained from this Form will be kept strictly confidential.

/Attached

1992 September 29

APPLICATION FORM

1. Application for appointment to: _____
(please specify Committee/Board/Commission of interest - ~~maximum~~ of three)
2. Name: _____
3. Home Address: _____

4. Telephone Number (s): Home: _____
Work: _____
5. Please state why you are interested in serving on this Committee/Board/Commission and what do you feel you can contribute? Please list related experience and/or interests.

6. How did you learn about this position?
 - i. _____ Newspaper (please specify)

 - ii. _____ Community Organization
 - iii. _____ Brochure
 - iv. _____ Radio/Television (please specify
which program)
 - v. _____ Word of Mouth
 - vi. _____ Other (please specify)

7. Additional Information:

Signature

Date

APPLICANTS ARE ENCOURAGED TO SUBMIT A RESUME

Your resume should not refer to any prohibited grounds of discrimination, i.e. race, ancestry, place of origin, citizenship, creed, sex, sexual orientation, age, colour, ethnic origin, record of offences, marital status, family status or handicap.

PLEASE RETURN TO:

City Clerk
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

TRACKING FORM

Information requested on this form is gathered under Section 13 of the Ontario Human Rights Code.

Do you wish to complete this form?

Yes: _____ (please continue)

No: _____

PLEASE COMPLETE EACH SECTION:

1. Are you: Female _____

Male _____

2. Are you a Native person (North American Indian, Status or Non-Status, Metis, Inuit)?

Yes: _____

No: _____

3. Are you a member of a Visible Minority? (This refers to Race/Colour)

No: _____

Yes: _____ (please specify)

Black _____
(African, American
Canadian)

East Asian _____
(Korean, Japanese, Chinese)

South Asian _____
(Indian, Pakistani)

South East Asian _____
(Cambodian, Filipino, Vietnamese)

West Asian _____
(Arab, Armenian, Egyptian, etc.)

Central/South American _____

Caribbean _____
(Cuban, Jamaican, Trinidadian,
Haitian)

White _____ Other _____

4. Disability

For the purposes of employment equity, disability is defined as a long term physical, emotional/psychiatric or learning disability that may place a person at a disadvantage or that may interfere with work or personal activities.

Given this definition, do you consider yourself disabled?

No _____

Yes _____ (please specify)

Blind/visually impaired _____

Deaf/hearing impaired _____

Mobility impaired _____

Psychiatric _____

Emotional or learning disability _____

Developmentally impaired _____

Other _____

Information requested on this form is gathered under Section 13 of the Ontario Human Rights Code and has been approved by the Ontario Human Rights Commission, Sept. 1991

1992 September 29

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Committee of the Whole presents its **FOURTH** Report for 1992 and respectfully recommends:

1. That in order to establish appropriate base allocations in the 1992 Current Budget, the 1992 Budget Adjustment in the amount of \$111,000 (which was approved by City Council during the 1992 budget deliberations on 1992 March 27) be financed by:
 - (a) reducing the revenue estimate by \$100,000 to zero for account number CH 44112 70905, Rental - Stadium - Tiger Cats;
 - (b) reducing the expenditure estimate by \$300,000 to zero for centre number CH 24105, Hamilton Tiger Cats;
 - (c) offsetting the expenditure estimate by \$111,000 to zero for account number CH 55272 24001, Budget Adjustment;
 - (d) establishing an expenditure estimate in the amount of \$89,000 for account number CH 5008 24120, as Contingency and,
2. That the timetable attached as Appendix "A" for the 1993 Current Budget and 1993-2002 Capital Budget be approved.

Respectfully submitted,

**MAYOR R. M. MORROW, CHAIRPERSON
COMMITTEE OF THE WHOLE**

John Thompson
Secretary
1992 September 25

1992 September 29

Appendix "A" referred to
in Section 2 of the Fourth
Report of the Committee of the
Whole for 1992

1993 Current And Capital Budget Timetable

SEPTEMBER 25
COMMITTEE OF THE WHOLE MEETING

Management Team presents policies/guidelines
and a macro '93-'95 Current Budget forecast

LATE OCTOBER
COMMITTEE OF THE WHOLE MEETING

Management Team presents update
of 1993 Current Budget forecast
and Capital Budget priorities

NOVEMBER 2-5
Standing Committee consideration
of Capital Projects

LATE NOVEMBER
COMMITTEE OF THE WHOLE MEETING
Overview of Current/Capital Budgets
to prepare for public meeting

1992 September 29

1993 Current And Capital Budget Timetable

DECEMBER 2

EVENING PUBLIC MEETING

City to discuss budget issues with public

DECEMBER

COMMITTEE OF THE WHOLE MEETING

Presentation of Consolidated User fees

I-3

JANUARY 29/93

COMMITTEE OF THE WHOLE MEETING

Consideration/approval of 1993-2002 Capital Budget

FEBRUARY 26/93

COMMITTEE OF THE WHOLE MEETING

Consideration/approval of 1993 Current Budget

:

APRIL 27/93

City Council approves Fin. & Admin. Committee
recommendation on Mill Rate By-Laws

I-3

BILLS

CITY COUNCIL

1992 September 29

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE PARTS 3 AND 4, PLAN 62R-10706
INTO ACADIA DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Acadia Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Acadia Drive.

Part of Lot 10, Concession 8, in the former geographic Township of Barton, designated as Parts 3 and 4 on Plan 62R-10706.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE PART 5, PLAN 62R-10706
INTO EMPEROR AVENUE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Emperor Avenue by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Emperor Avenue.

Part of Lot 10, Concession 8, former geographic Township of Barton, designated as Part 5 on Plan 62R-10706.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

TO INCORPORATE BLOCK 13, PLAN 62M-699
INTO HARBOTTLE COURT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Harbottle Court by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Harbottle Court.

Parcel Reserve -1
Section 62M-699

All of Block 13, Plan 62M-699.

in the City of Hamilton
Regional Municipality of Hamilton-Wentworth

being all of the Parcel.

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE BLOCK 31, PLAN 62M-644
INTO FANO DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Fano Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Fano Drive.

Part of Parcel Reserves -1,
Section 62M-644

All of Block 31, Plan 62M-644

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

being part of the Parcel.

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE PARTS 1 AND 3, PLAN 62R-10638
INTO FAIRINGTON CRESCENT**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Fairington Crescent by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Fairington Crescent.

Parts of Lot 27, Concession 2, in the former geographic Township of Saltfleet, designated as Parts 1 and 3 on Plan 62R-10638.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE BLOCK 11, PLAN 62M-634
INTO ARTISTIC BOULEVARD**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Artistic Boulevard by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Artistic Boulevard.

Part of Parcel Reserves -1
Section 62M-634

All of Block 11, Plan 62M-634.

in the City of Hamilton
Regional Municipality of Hamilton-Wentworth

being part of the Parcel.

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92 -

To Authorize:

1. The construction of local improvements without petition under Section 12 of The Local Improvement Act of roadway only on BEAVERTON AVENUE from Upper Sherman Avenue to Acadia Drive, as described in Schedule "A";
2. The special assessment to pay a portion of the cost of the works by the abutting owners;
3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.

WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 22 of the 5th Report of the Transport & Environment Committee on April 14, 1992;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 12 of the 9th Report of the Finance & Administration Committee on April 14, 1992;

AND WHEREAS it is expedient to proceed without petition to undertake, as local improvements, the works hereinafter described;

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of The Local Improvement Act, R.S.O. 1980;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works.

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Ontario Municipal Board did, on the 26th day of June, 1992, issue Order No. [92]32 approving the application of The Corporation of the City of Hamilton for:

- (a) the construction of certain works as local improvements on the initiative plan at a total estimated cost of \$113,100.00 and,
- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures in the sum of \$81,408.38.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$113,100.00.

2. The share or portion of the estimated cost of the works in the amount of \$81,408.38 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$81,408.38;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Senior Director of Roads is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 5 R.T.E.C. 22, April 14

(1992) 9 R.F.A.C. 12, April 14

SCHEDULE "A"

The construction of roadway only on BEAVERTON AVENUE from Upper Sheman Avenue to Acadia Drive at the costs not exceeding those set out below:

City's Share	\$ 31,691.62
Owners' Share	<u>81,408.38</u>
TOTAL ESTIMATED COST	<u>\$113,100.00</u>
Estimated Cost per metre frontage	\$ 223.00
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92 -

To Authorize:

1. The construction of local improvements of a combined concrete sidewalk and curb on the south side of CARLING STREET from Macklin Street to approx. 98m easterly, as described in Schedule "A";
2. The special assessment to pay a portion of the cost upon petition made under Section 11 of The Local Improvement Act;
3. The preparation of plans, specifications and reports and the supervision of the construction by the Director of Public Works.

WHEREAS a petition has been received to construct as local improvements the works hereinafter described;

AND WHEREAS the City Clerk has certified as to the sufficiency of the said petition;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 23 of the 5th Report of the Transport & Environment Committee and Item 11 of the 9th Report of the Finance & Administration Committee on April 1, 1992;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Ontario Municipal Board did, on the 10th day of August, 1992, issue Order No. E920298 approving the application of The Corporation of the City of Hamilton for:

- (a) the construction of a combined concrete sidewalk and curb on the south side of Carling Street from Macklin Street to approx. 98m easterly, and,
- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures in the sum of \$10,225.68 for this purpose.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$17,500.00.

2. The share or portion of the estimated cost of the works in the amount of \$10,225.68 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$10,255.68; and,
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Director of Public Works is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 5 R.T.E.C. 23, April 14
(1992) 9 R.F.A.C. 11, April 14

SCHEDULE 'A'

The Construction of a combined concrete sidewalk and curb on the south side of CARLING STREET from Macklin Street to approx. 98m easterly at the cost not exceeding those set out below:

City's Share	\$ 7,274.32
Owners' Share	<u>10,225.68</u>
Total Estimated cost	<u>\$17,500.00</u>

Estimated Cost per metre frontage	\$ 137.00
Fifteen (15) annual instalments	

BY-LAW NO. 92 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Dalketh	Westbound	Rosslyn
Craigmillar	Westbound	Rosslyn
Cluny	Westbound	Rosslyn
Unsworth	Eastbound	Lancing/Hempstead
Florence	Eastbound	Ray
Market	Westbound	Ray
Ray	Northbound and Southbound	Peter
Lawnhurst	Eastbound and Westbound	Lawnview
Ling	Southbound	Lawnhurst
Lesterwood	Eastbound	Ling
Berkindale	Eastbound and Westbound	Varga".

and by deleting therefrom the following item, namely:-

"Peter	Eastbound and Westbound	Ray".
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2. **Schedule 11 (Yield Right-Of-Way Signs)** is hereby amended by deleting therefrom the following items, namely:-

"Dalkieth	Westbound	Rosslyn
Craigmillar	Westbound	Rosslyn".

3. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Ray	West	Napier to 83 feet north	Anytime
Ray	West	Napier to 42 feet south	Anytime
Bay	East	Aberdeen to Markland	7:00 a.m. to 9:00 a.m. Monday to Friday".

PASSED THIS DAY OF , A.D. 1992.

 CITY CLERK

 MAYOR

BY-LAW NO. 92 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 26 (No Parking Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding to **Section A (No Parking Anytime)** the following items, namely:-

"Connaught	West	Beechwood to south end
Gurnett Gate	West	Gurnett Drive to Stone Church".

2. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following item, namely:-

"Connaught Avenue North	East	West".
Barton Street East to King George School		

and by adding thereto the following item, namely:-

"Connaught	East	West".
Barton to Beechwood		

3. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Walnut	West	commencing at a point 91 feet south of Forest to a point 20 feet southerly therefrom	Anytime
Picton	North	commencing at a point 204 feet west of MacNab to a point 23 feet westerly therefrom	Anytime".

and by deleting therefrom the following item, namely:-

"Fairfield	West	173 feet north of Britannia to 30 feet northerly therefrom	Anytime".
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4. **Schedule 23 (Hamilton Street Railway Bus Stops)** is hereby amended:

a) by adding to the **Inbound Column** the following items, namely:-

"Van Wagner's (S/S) 2,792 feet west of the centre line of Nash (M/B)

Van Wagner's (S/S) 1,102 feet west of the centre line of Nash (M/B)

Acadia (S/S) 92 feet west of the centre line of Upper Sherman (M/B)".

b) by adding to the **Outbound Column** the following items, namely:-

"Beaverton (N/S) 100 feet west of the centre line of Upper Sherman (M/B)
Acadia (W/S) 446 feet south of the south curb line of Butler (M/B)
Van Wagner's (N/S) 1,102 feet west of the centre line of Nash (M/B)
Van Wagner's (N/S) 2,667 feet west of the centre line of Nash (M/B)".

PASSED THIS DAY OF , A.D. 1992.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Adopt:

Official Plan Amendment No. 114

Respecting:

LANDS LOCATED IN THE EAST MOUNTAIN INDUSTRIAL-BUSINESS PARK,
LOCATED SOUTH OF THE EAST-WEST PORTION OF THE RED HILL CREEK
EXPRESSWAY, EAST OF UPPER OTTAWA STREET AND NORTH AND WEST
OF THE HAMILTON CITY LIMITS

AND

LANDS KNOWN MUNICIPALLY AS 467 CHARLTON AVENUE EAST,
LOCATED WITHIN THE CORKTOWN NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 114 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1992.

City Clerk

Mayor

Amendment No. 114

to the

City of Hamilton Official Plan

The following text, together with Schedules "B" and "B-3", attached hereto, constitutes Official Plan Amendment No. 114.

Purpose:

The purpose of this Amendment is to:

- 1) Delete the designations for lands within the East Mountain Industrial-Business Park from Schedule "B" - Special Policy Areas;
- 2) Create a new Schedule "B-3" - Other Special Policy Areas for the lands within the East Mountain Industrial-Business Park;
- 3) Delete a portion of the lands designated SPECIAL POLICY AREA 11 on Schedule "B" - Special Policy Areas and create a new SPECIAL POLICY AREA 11a; and,
- 4) Revise Official Plan Policy A.2.9.3.9 as a result of the completion of the report Review of the East Mountain Industrial-Business Park and incorporate minor text changes resulting from the creation of Schedule "B-3" - Other Special Areas.

Location:

The lands affected by this Amendment are located in two areas of the City:

- ° The East Mountain Industrial-Business Park, located south of the east-west portion of the Red Hill Creek Expressway, east of Upper Ottawa Street and north and west of the Hamilton City limits; and,
- ° Lands known municipally as 467 Charlton Avenue East, located in the Corktown Neighbourhood.

Basis:

The proposed Official Plan Amendment will implement the recommendations of the "M" District (Prestige Industrial) Review. The purpose of this review is to develop an appropriate land use strategy to meet changing economic trends. Changes to economic trends were evident as a result of the large number of rezoning and Committee of Adjustment applications received.

One of the changes resulting from the study is to allow home improvement and office uses in the "M-12" District and offices within the "M-13" District. The inclusion of the additional commercial uses within the "M-12" and "M-13" Districts:

- ° will allow a broader range of commercial uses which complement the existing and future uses in the East Mountain Industrial-Business Park; and,
- ° are no less feasible than other commercial uses permitted in the Districts (i.e., financial institutions).

Further, home improvement and office uses are some of the most frequently requested uses in the East Mountain Industrial-Business Park and have been considered appropriate by the Planning and Development Committee and City Council.

In addition, a new Schedule "B-3" - Other Special Policy Areas is warranted for clarification because of the many special policy areas in the East Mountain Industrial-Business Park. Schedule "B-3" also refines the boundary of SPECIAL POLICY AREA 11 as it relates to the hydro electric corridor between Rymal Road East and the Hamilton City limits, east of Glover Road and refines the boundary of SPECIAL POLICY AREA 1a north of Rymal Road East to more accurately reflect the designation "Escarpment Protection" in the Niagara Escarpment Plan.

Actual Changes:

- 1) Schedule "B" - Special Policy Areas be revised by:
 - ° deleting the designations for lands within the East Mountain Industrial-Business Park;
 - ° redesignating a portion of land from SPECIAL POLICY AREA 11 to SPECIAL POLICY AREA 11a;
 - ° adding Special Policy Area 11a; and,
 - ° noting "Area 11a refer to Policy A.2.9.3.9", in the legend,as shown on the attached Schedule "B" of this Amendment;

- 2) Create Schedule "B-3" - Other Special Policy Areas showing lands within the East Mountain Industrial-Business Park;
- 3) The following be added to Schedule "B-3" - Other Special Policy Areas:
 - Special Policy Area 1(a);
 - "Area 1(a) refer to Policy A.2.9.1", in the legend;
 - Special Policy Area 1(b);
 - "Area 1(b) refer to Policy A.2.9.1", in the legend;
 - Special Policy Area 11;
 - "Area 11 refer to Policy A.2.9.3.9", in the legend;
 - Special Policy Area 11a;
 - "Area 11a refer to Policy A.2.9.3.9", in the legend;
 - Special Policy Area 26;
 - "Area 26 refer to Policy A.2.9.3.21", in the legend;
 - Special Policy Area 30;
 - "Area 30 refer to Policy A.2.9.3.25", in the legend;
 - Special Policy Area 32;
 - "Area 32 refer to Policy A.2.9.3.27", in the legend;
 - Special Policy Area 35;
 - "Area 35 refer to Policy A.2.9.3.30", in the legend;
 - Special Policy Area 45;
 - "Area 45 refer to Policy A.2.9.3.40", in the legend;
 - Special Policy Area 50;
 - "Area 50 refer to Policy A.2.9.3.45", in the legend;
 - Special Policy Area 52;
 - "Area 52 refer to Policy A.2.9.3.47", in the legend;
 - Special Policy Area 55; and,
 - "Area 55 refer to Policy A.2.9.3.50", in the legend,

as shown on the attached Schedule "B-3" of this Amendment;

- 4) Policy A.2.9.3.9 be deleted in its entirety and replaced with the following new Policy:
- "A.2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 11 and SPECIAL POLICY AREA 11a, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category will apply. Notwithstanding the foregoing, for those lands which are:
- i) shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 11a, in addition to the light industrial uses, business and professional offices and home improvement uses will be permitted; and,
 - ii) adjacent to SPECIAL POLICY AREA 8, limited expansion to existing dwellings will be permitted."
- 5) Revise the text of the following Official Plan policies to reflect the creation of Schedule "B-3" - Other Special Policy Areas and SPECIAL POLICY AREA 11a:
- a) Policy A.2.3.2 - Reword fourth sentence of policy to read:

"However, some elements of the hierarchy are shown on Schedule "B" and Schedule "B-3" as Special Policy Area 11 and 11a and as set out in Subsection A.2.9.3."
 - b) Policy A.2.3.13 - Reword first and second sentence of policy to read:

"The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" and Schedule "B-3" as Special Policy Area 11 and 11a. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial-Business Park."
 - c) Policy A.2.3.19 - Reword first sentence of policy to read:

"In the LIGHT INDUSTRIAL precinct known as the East Mountain Industrial-Business Park, those ancillary uses permitted within INDUSTRIAL areas as set out in Policy A.2.3.1 (ii) will be restricted to areas abutting major roads."

- d) Preamble to Subsection A.2.9 - Special Policy Areas - Reword fourth sentence of preamble to read:

"All such SPECIAL POLICY AREAS are indicated on Schedules "B" and/or "B-1" and/or "B-2" and/or "B-3"."

- e) Policy A.2.9.1.1 - Reword first and second sentence to read:

"The lands shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" and Schedule "B-3" into Areas '1a' and '1b', for which the following provisions will apply:"

- f) Policy A.2.9.3.21 - Reword policy to read:

"Notwithstanding the permitted uses set out in Subsection A.2.3 - INDUSTRIAL USES and Subsection A.2.9.3 - OTHER POLICY AREAS - Policy A.2.3.9, for those lands within the area shown on Schedule "B-3" as SPECIAL POLICY AREA 26 and known municipally as Nos. 220 and 230 Hempstead Drive, auto repair garages will be permitted."

- g) Policy A.2.9.3.25 - Reword policy to read:

"Within SPECIAL POLICY AREA No. 30, shown on Schedule "B-3" - Other Special Policy Areas, and located at the north-west corner of Rymal Road East and Nebo Road, limited commercial uses will be permitted."

- h) Policy A.2.9.3.27 - Reword policy to read:

"Within SPECIAL POLICY AREA 32, shown on Schedule "B-3" - Other Special Policy Areas, and located at 1188 and 1196 Rymal Road East (south-west corner of Rymal Road and Nebo Road), limited commercial uses will be permitted."

- i) Policy A.2.9.3.30 - Reword policy to read:

"Notwithstanding the permitted uses set out in Subsection A.2.3 and Policy A.2.9.3.9, for those lands within the area shown on Schedule "B-3" as SPECIAL POLICY AREA 35, the establishment of an Observation and Detention Home will be permitted "

- j) Policy A.2.9.3.40 - Reword policy to read:

"Notwithstanding the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B-3" as SPECIAL POLICY AREA 45, and known municipally as 1249 Stone Church Road East, limited commercial uses will be permitted."

- k) Policy A.2.9.3.45 - Reword policy to read:

"In addition to the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B-3" as SPECIAL POLICY AREA 50, and located on the west side of Anchor Road, south of Stone Church Road East, limited commercial uses associated with a wedding centre will be permitted."

- l) Policy A.2.9.3.47 - Reword policy to read:

"In addition to the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B-3" as SPECIAL POLICY AREA 52, and located east of Upper Ottawa Street, south of Stone Church Road East, limited commercial uses will be permitted."

- m) Policy A.2.9.3.50 - Reword policy to read:

"In addition to the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B-3" as SPECIAL POLICY AREA 55, and located at 1280 Rymal Road East, limited commercial uses will be permitted."

- n) Policy D.8.2 - Reword first sentence to read:

"The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "D", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy."

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 92- , passed on the day of , 1992.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

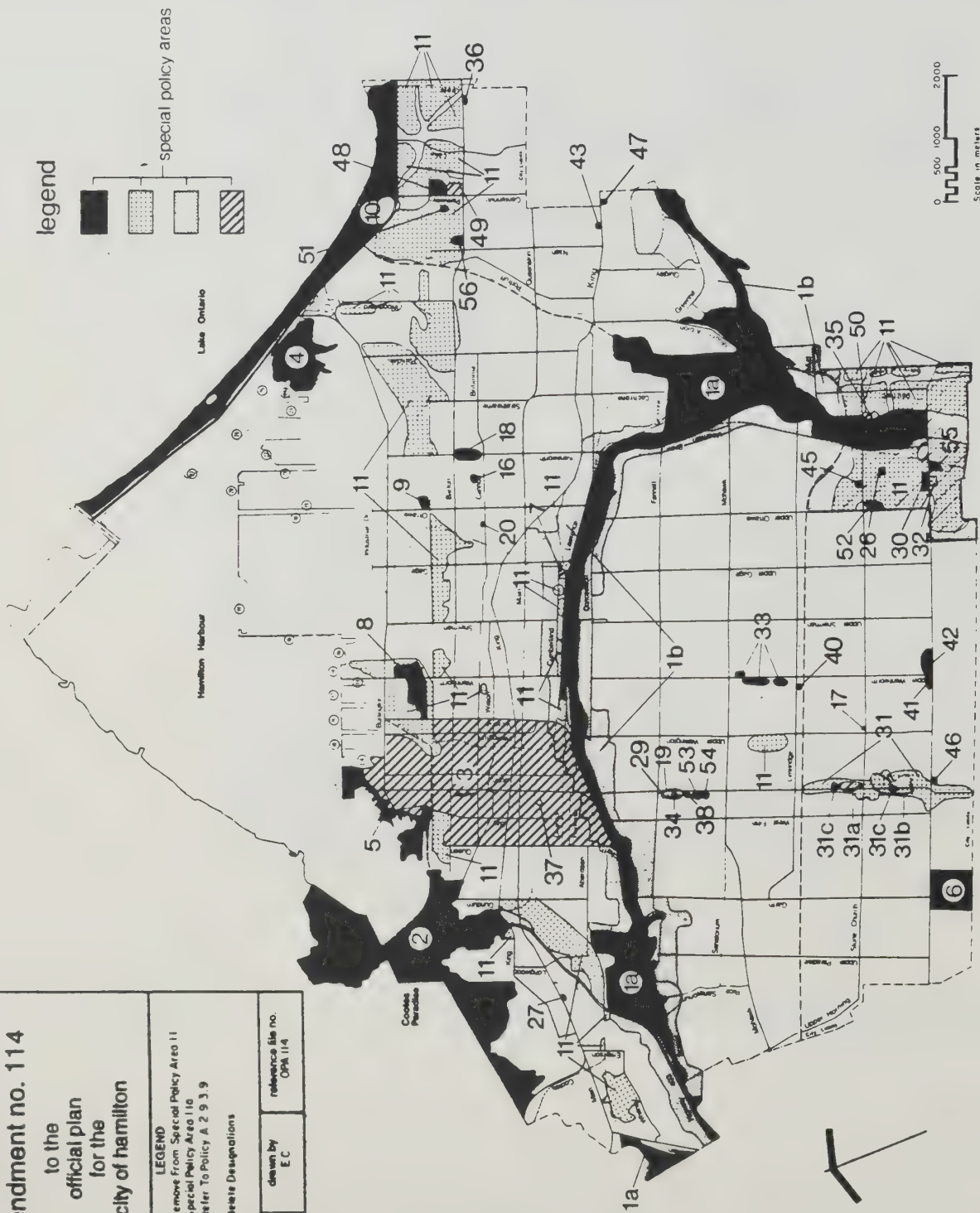
legend

LEGEND

Remove From Special Policy Area 1
Special Policy Area 1
Refer To Policy A 2
Delete Designations

33
EC

33
EC



schedule B
to the official plan
for
the city of hamilton

91 05 24

Refer to Schedule B - 1 for Special Policy Areas in the Downtown

special policy areas

AREA

1	A 231
2	A 231
3	A 232
4	A 233
5	A 233
6	A 233
7	A 234
8	A 235
9	A 236
10	A 237
11	A 238
12	A 239
13	A 2310
14	A 2311
15	A 2312
16	A 2313
17	A 2314
18	A 2315
19	A 2317
20	A 2318
21	A 2319
22	A 2322
23	A 2322
24	A 2324
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26	A 2326
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33	A 2328
34	A 2329
35	A 2330
36	A 2331
37	A 2331
38	A 2332
39	A 2333
40	A 2335
41	A 2336
42	A 2337
43	A 2338
44	A 2338
45	A 2340
46	A 2341
47	A 2342
48	A 2343
49	A 2344
50	A 2345
51	A 2346
52	A 2351
53	A 2351
54	A 2351
55	A 2351
56	A 2351

schedule B-3
amendment no. 114
to the
official plan
for the
city of hamilton

Legend

- Special Policy Area 1(a)
Refer To Policy A.2.9.1
- Special Policy Area 1(b)
Refer To Policy A.2.9.1
- Special Policy Area 11
Refer To Policy A.2.9.3.9
- Special Policy Area 11 (a)
Refer To Policy A.2.9.3.9
- Special Policy Area 26
Refer To Policy A.2.9.3.21
- Special Policy Area 30
Refer To Policy A.2.9.3.25
- Special Policy Area 32
Refer To Policy A.2.9.3.27
- Special Policy Area 35
Refer To Policy A.2.9.3.30
- Special Policy Area 45
Refer To Policy A.2.9.3.40
- Special Policy Area 50
Refer To Policy A.2.9.3.45
- Special Policy Area 52
Refer To Policy A.2.9.3.47
- Special Policy Area 55
Refer To Policy A.2.9.3.50

date
AUG. 1992

drawn by
E.C.

reference file no.
OPA 114

other special
policy areas

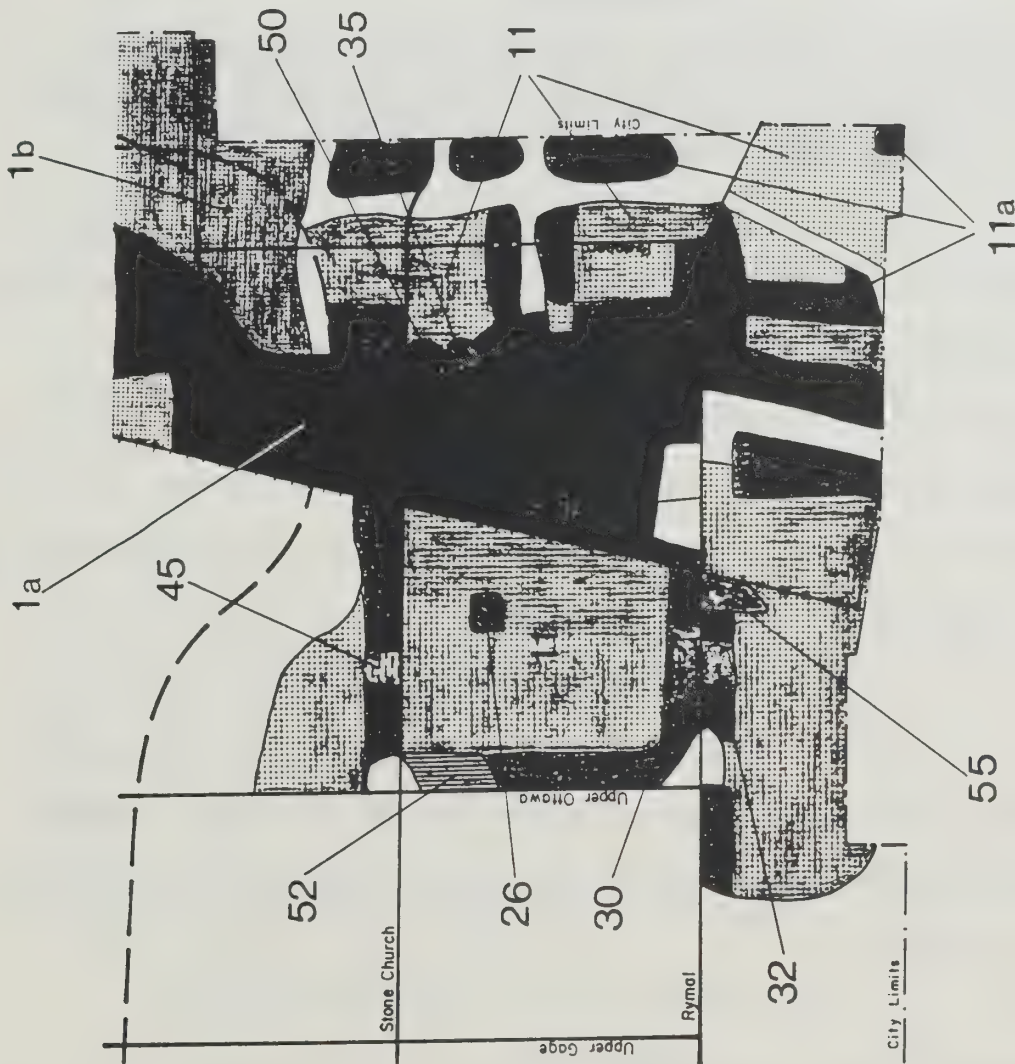
AREA
REFER TO
POLICY

Refer to Schedule B.1 for Special Policy Areas
in the Downtown

schedule B-3

to the official plan
for
the city of Hamilton

August, 1992



The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Adopt:

Official Plan Amendment No. 115

Respecting:

LANDS LOCATED ON THE WEST SIDE OF UPPER JAMES STREET,
BETWEEN WEMBLEY ROAD AND SOUTH BEND ROAD,
MUNICIPALLY KNOWN AS NOS. 674 TO 712 UPPER JAMES STREET,
WITHIN THE BONNINGTON NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 115 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1992.

City Clerk

Mayor

Amendment No. 115

to the

City of Hamilton Official Plan

The following text, together with Schedule "A" (Part One and Part Two) and Schedule "B" (Part One and Part Two), attached hereto, constitutes Official Plan Amendment No. 115.

Purpose:

The amendment will redesignate the subject lands from "Residential" to "Commercial" and establish a "Special Policy Area" to limit the types of commercial, public, residential and institutional uses permitted within the existing buildings. The amendment will also outline performance standards for the existing and new buildings, where applicable.

In addition, the amendment will repeal various amendments (OPA No. 49 - 678 Upper James Street, OPA No. 93 - 694-696 Upper James Street and OPA No. 94 - 710 Upper James Street) affecting the subject lands and replace those amendments with one comprehensive amendment.

Location:

The lands affected by this Amendment are located on the west side of Upper James Street between Wembley Road and South Bend Road, municipally known as Nos. 674 to 712 Upper James Street within the Bonnington Neighbourhood.

Basis:

The basis for permitting the conversion of the existing buildings for the limited residential, commercial, public and institutional uses is as follows:

- the adjacent land uses would not be undermined;
- the existing engineering services are adequate;
- a smooth transition to non-residential uses would be able to occur as the demand for conversions increases; and,
- it would allow non-residential conversions on the same basis as the area to the north of the subject lands (Wembley Road to Fennell Avenue).

Actual Changes:

- 1) Schedule "A" - Land Use Concept of the Official Plan be revised by:
 - i) redesignating the properties located at 694-696 Upper James Street and 710 Upper James Street from "Commercial" to "Residential", as shown on the attached Schedule "A" (Part One) of this Amendment; and,
 - ii) redesignating the lands situated on the west side of Upper James Street between Wembley Road and South Bend Road, municipally known as Nos. 674 to 712 Upper James Street, from "Residential" to "Commercial", as shown on the attached Schedule "A" (Part Two) of this Amendment;
- 2) Schedule "B" - Special Policy Areas be revised by:
 - i) deleting Special Policy Area 38, 53 and 54, as shown on the attached Schedule "B" (Part One) of this Amendment;
 - ii) designating the lands situated on the west side of Upper James Street between Wembley Road and South Bend Road, municipally known as Nos. 674 to 712 Upper James Street, as Special Policy Area 63, as shown on the attached Schedule "B" (Part Two) of this Amendment; and,
 - iii) adding to the legend:

"Area 63 refer to Policy A.2.9.3.58";
- 3) Subsection A.2.9.3 - Other Policy Areas be revised by adding Policy A.2.9.3.58, which establishes development guidelines for lands situated within Special Policy Area 63:

"A.2.9.3.58 Within SPECIAL POLICY AREA 63, identified on Schedule "B" - Special Policy Areas and located on the west side of Upper James Street between Wembley Road and South Bend Road and known municipally as Nos. 674 to 712 Upper James Street, the following development guidelines will apply:

 - i) limited commercial, residential, public and institutional uses will be permitted in accordance with the Zoning By-law;
 - ii) non-residential uses will be restricted to the existing building, or where existing buildings are destroyed by fire or natural disaster or demolished or removed by order of any government authority, the floor area of the new buildings will not exceed that of the previous building;

- iii) proponents will be encouraged to retain a residential unit within the building, preferably above the commercial use on the ground floor;
- iv) development of vacant lots will be permitted provided the building height, coverage and setbacks are consistent with the existing development in the area;
- v) rear yard parking is preferred to front yard parking which is consistent with the existing streetscape; and,
- vi) a landscaped buffer strip be provided where commercial, public or institutional uses are located adjacent to residential uses.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 92- , passed on the day of , 1992.

The Corporation of the

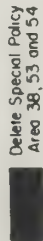
City of Hamilton

City Clerk

Mayor

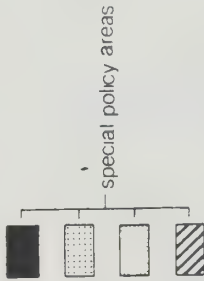
schedule B
amendment no.115
to the
official plan
for the
City of Hamilton
(Part One)

Legend



date	drawn by	reference file no
AUGUST, 1992	E C	OPA 115

legend



special policy areas

AREA

1(a)

1(b)

2

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31(a)

31(b)

31(c)

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55

56



0 500 1000 2000
Scale in meters

special policy areas

**REFER TO
POLICY**

A2011
A2012
A2013
A2014
A2015
A2016
A2017
A2018
A2019
A2020
A2021
A2022
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A2026
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A2041
A2042
A2043
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A2049
A2050
A2051

Refer to Schedule B-1 for Special Policy Areas
in the Downtown

schedule B

to the official plan
for
the city of Hamilton

91 11 18

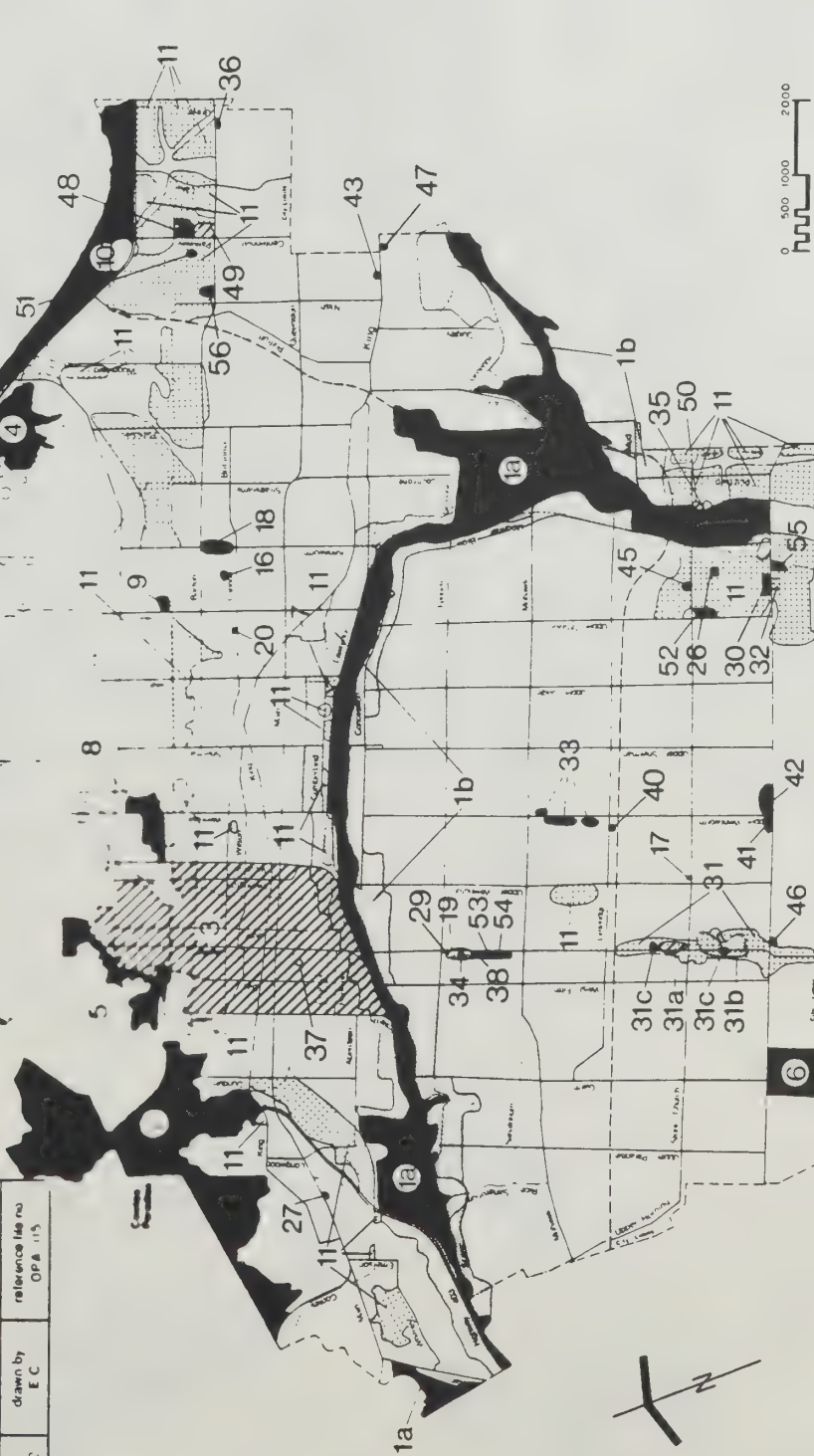
schedule B amendment no. 115

to the
official plan
for the
City of Hamilton
(Part Two)

Legend

Special Policy Area 63
Refer to Policy A 29.3.58

date	drawn by	reference file no.
AUGUST 1992	E C	OPA 115



0 500 1000 2000
Scale in meters

special policy areas

AREA REF TO
POLICY

1(a)	A 29.1
1(b)	A 29.1
2	A 29.2
3	A 29.3
4	A 29.3.1
5	A 29.3.2
6	A 29.3.3
7	A 29.3.4
8	A 29.3.5
9	A 29.3.6
10	A 29.3.7
11	A 29.3.8
12	A 29.3.9
13	A 29.3.10
14	A 29.3.11
15	A 29.3.12
16	A 29.3.13
17	A 29.3.14
18	A 29.3.15
19	A 29.3.16
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21	A 29.3.18
22	A 29.3.19
23	A 29.3.20
24	A 29.3.21
25	A 29.3.22
26	A 29.3.23
27	A 29.3.24
28	A 29.3.25
29	A 29.3.26
30	A 29.3.27
31(a)	A 29.3.28
31(b)	A 29.3.29
31(c)	A 29.3.30
32	A 29.3.31
33	A 29.3.32
34	A 29.3.33
35	A 29.3.34
36	A 29.3.35
37	A 29.3.36
38	A 29.3.37
39	A 29.3.38
40	A 29.3.39
41	A 29.3.40
42	A 29.3.41
43	A 29.3.42
44	A 29.3.43
45	A 29.3.44
46	A 29.3.45
47	A 29.3.46
48	A 29.3.47
49	A 29.3.48
50	A 29.3.49
51	A 29.3.50
52	A 29.3.51
53	A 29.3.52
54	A 29.3.53
55	A 29.3.54
56	A 29.3.55

Refer to Schedule B-1 for Special Policy Areas
in the Downtown

schedule B

to the official plan
for
the city of Hamilton

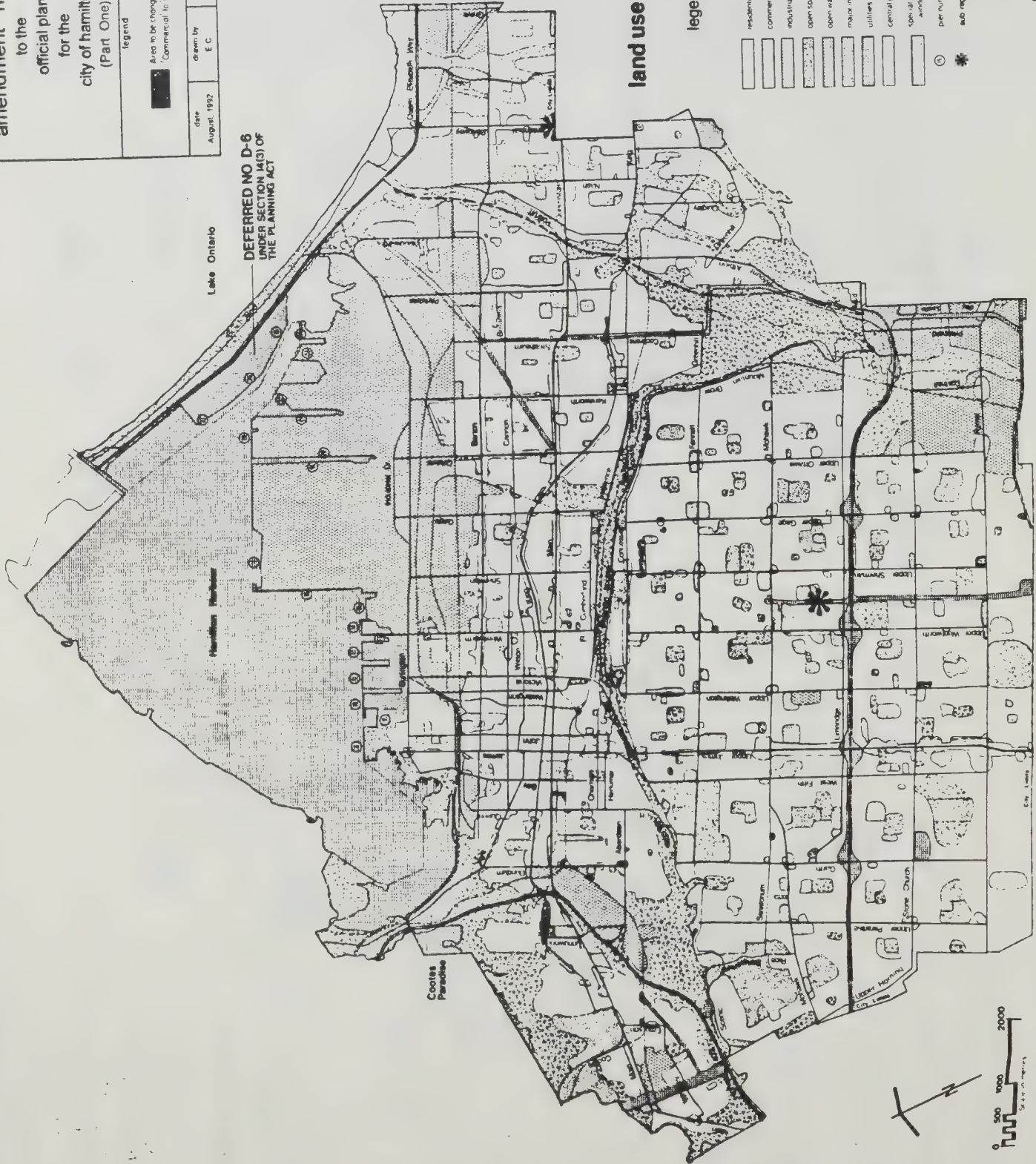
91 11 18

schedule A
amendment no. 115
 to the
 official plan
 for the
 city of hamilton
 (Part One)

<p>legend</p> <p>Area to be changed from "Commercial to Residential"</p>	
<p>date</p> <p>August, 1992</p>	<p>drawn by</p> <p>E C</p>
<p>reference file no</p> <p>DPA115</p>	

Lake Ontario

DEFERRED NO. D-6
 UNDER SECTION 14(3) OF
 THE PLANNING ACT



land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- special policy area
- windermere basin
- per numbers
- sub regional centre

schedule A
 to the official plan
 for
 the city of hamilton
 (Part One)

schedule A
amendment no. 115
to the
official plan
for the
city of hamilton
(Part Two)

legend		
area to be changed from "residential to commercial"	drawn by E C	reference file no OPA115
date August 1992		

Lake Ontario

DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT



land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- social policy area
- environmental
- per numbers
- sub regional centre

schedule A
to the official plan
for
the city of hamilton

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Adopt:

Official Plan Amendment No. 116

Respecting:

LANDS LOCATED AT THE SOUTH-EAST CORNER OF STONE CHURCH ROAD EAST
AND UPPER WENTWORTH STREET, WITHIN THE BUTLER NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 116 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1992.

City Clerk

Mayor

Amendment No. 116
to the
City of Hamilton Official Plan

The following text, together with Schedule "A", attached hereto, constitutes Official Plan Amendment No. 116.

Purpose:

The purpose of this Amendment is to redesignate the subject lands from "Residential" to "Commercial", on Schedule "A" - Land Use Concept of the Official Plan.

Location:

The lands affected by this Amendment are located at the south-east corner of Stone Church Road East and Upper Wentworth Street within the Butler Neighbourhood.

Basis:

The basis for permitting the proposal, to develop a two-storey shopping centre having retail commercial uses on the ground floor and offices on the second floor, is as follows:

- it is located at the intersection of two major arterial roads; and,
- it is located in close proximity to an established residential neighbourhood.

Actual Change:

Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Residential" to "Commercial", as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 92- , passed on the day of , 1992.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

schedule A
amendment no. 116
 to the
official plan
 for the
city of hamilton

legend areas to be changed from "Residential B" to "Commercial"	
date August, 1982	drawn by E. C.
reference file no. OPA116	

Lake Ontario

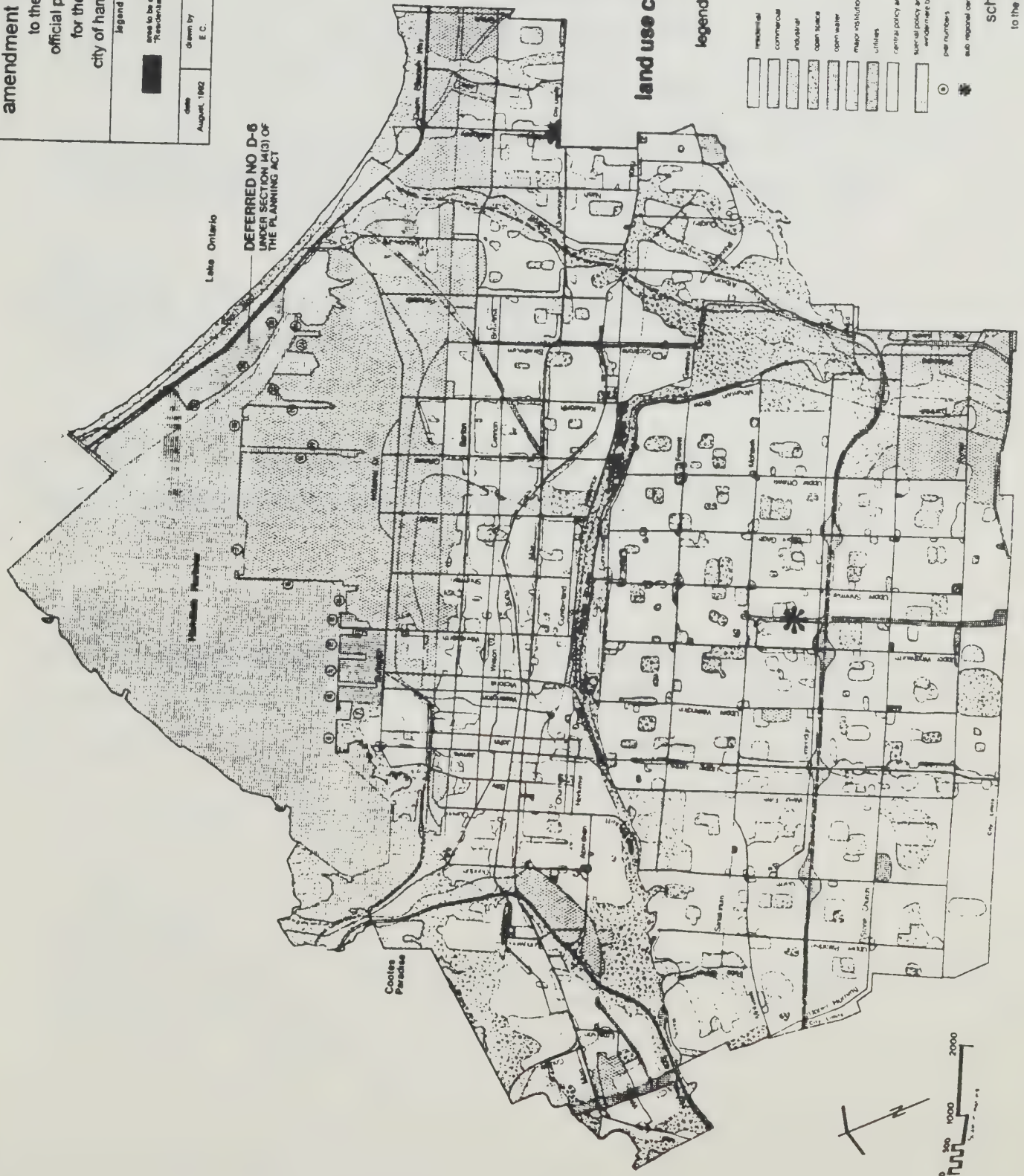
DEFERRED NO D-6
 UNDER SECTION 14(3) OF
 THE PLANNING ACT

land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- local policy area
- environmental design
- zone numbers
- sub regional centre

schedule A
 to the official plan
 for
 the city of hamilton
 APRIL 8, 1982



The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Adopt:

Official Plan Amendment No. 117

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 1630 UPPER GAGE AVENUE,
WITHIN THE ELEANOR NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 117 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1992.

City Clerk

Mayor

Amendment No. 117

to the

City of Hamilton Official Plan

The following text, together with Schedule "A", attached hereto, constitutes Official Plan Amendment No. 117.

Purpose:

The purpose of this Amendment is to redesignate the subject lands from "Residential" to "Commercial" on Schedule "A" - Land Use Concept of the Official Plan.

Location:

The lands affected by this Amendment are located at 1630 Upper Gage Avenue, within the Eleanor Neighbourhood.

Basis:

The basis for permitting the proposal, to permit a car wash or automobile lube shop in conjunction with the automobile service station to the south of the subject lands, is as follows:

- ° it is located at the intersection of two major arterial roads; and,
- ° it is a logical extension to the automobile service station established immediately to the south of the subject lands.

Actual Change:

Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Residential" to "Commercial", as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 92- , passed on the day of , 1992.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

schedule A
amendment no. 117
 to the
 official plan
 for the
 city of hamilton

legend

includes changes from
 previous official plan

date
 A1 (JULY 1992)
 year
 E C
 reference file no.
 OF A 117

Lake Ontario

DEFERRED NO D-8
 UNDER SECTION 14(3) OF
 THE PLANNING ACT

Hamilton Harbour

Cootes
 Paradise

land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- special policy area
- watershed basin
- per numbers
- sub regional centre

schedule A
 to the official plan
 for
 the city of hamilton
 APRIL 8, 1992

0 500 1000 2000

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Repeal By-law No. 91-170
To Adopt Official Plan Amendment No. 101

Respecting:

**LAND LOCATED AT MUNICIPAL NO. 674 UPPER JAMES STREET
WITHIN THE BONNINGTON NEIGHBOURHOOD**

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-170 on the 24th day of September 1991 to adopt Official Plan Amendment No. 101 respecting land located at Municipal No. 674 Upper James Street;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 33 of the 15th Report of the Planning and Development Committee at its meeting held on the 25th day of August 1992 recommended that By-law No. 91-170 be repealed.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 91-170 is hereby repealed.

PASSED this day of A.D. 1992.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 80-063
and To Repeal Zoning By-law No. 69-264

Respecting:

LAND LOCATED AT MUNICIPAL NO. 2371 BARTON STREET EAST

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 107, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 69-264 on the 25th day of November 1969 to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "JJ" District, in respect of the lands located at the north east corner of Barton Street and Kenora Avenue, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 29th day of January 1970, (File No. R. 1641-70);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 80-063 on the 26th day of February 1980 to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "JJ" District, in respect of the land located at Municipal No. 2371 Barton Street East, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 17th day of April 1980, (File No. R 80948);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 12 of the 6th Report of the Planning and Development Committee at its meeting held on the 31st day of March 1992, recommended that Zoning By-law No. 6593, as amended by By-law No. 80-063, be further amended to establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law, and that By-law No. 69-264 be repealed;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 69-264 is hereby repealed.

2. The "JJ" (Restricted Light Industrial) District provisions, as contained in Section 16A of Zoning By-law No. 6593, as amended by By-law No. 80-063, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 16A(1)(ej) of By-law No. 6593, a retail grocery store, including an accessory restaurant having a seating capacity of not more than 20 persons, only within the existing building, shall be permitted.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "JJ" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-128b.

5. Sheet No. E-103 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-128b.

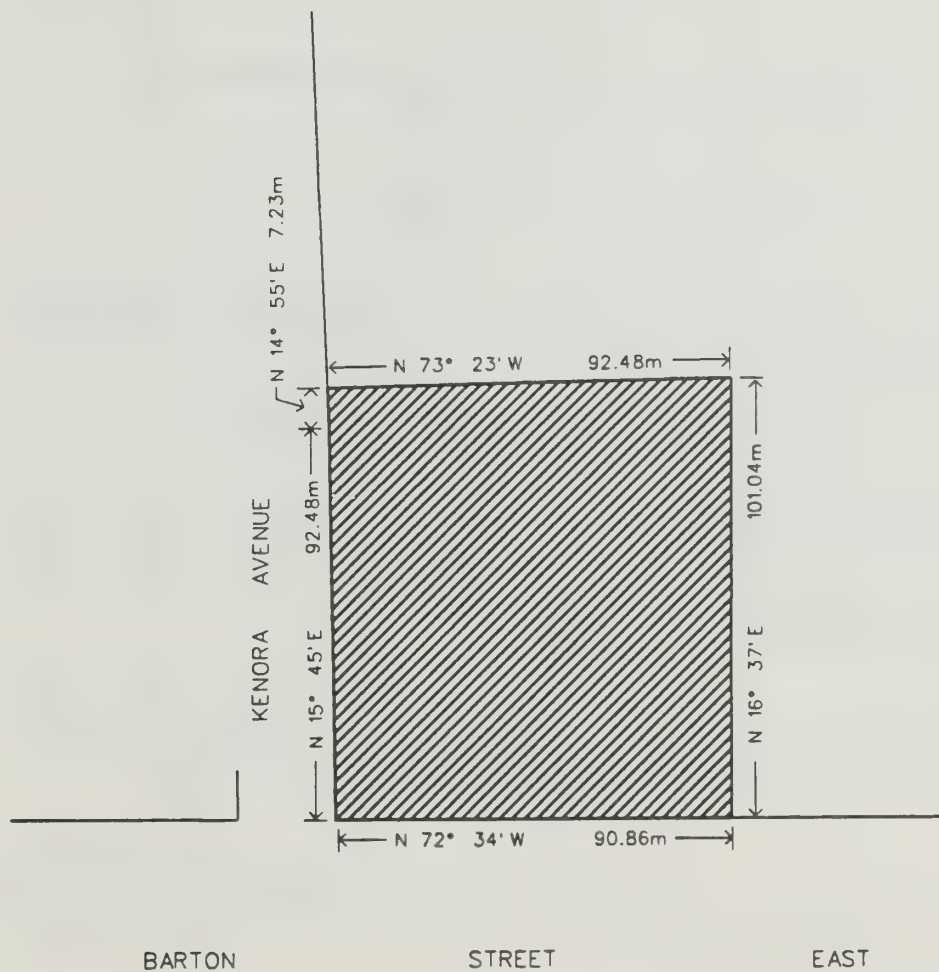
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1992) 6 R.P.D.C. 12, March 31
The Barn Fruit Markets Inc., Lessee
Amended ZA-91-72



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-____
Passed the _____ day of _____, 1992.

Clerk

Mayor

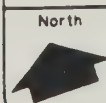
City of Hamilton
Schedule A
Map Forming Part of
By-Law No. 92-____
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated
by By-law No. 92-.....



North

Scale
NOT TO SCALE

Reference File No.
ZA 91-72

Date
AUGUST, 1992

Drawn By
P.B.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Designate:

LAND LOCATED AT MUNICIPAL NO. 16 WEST AVENUE SOUTH

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 16 West Avenue South and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,
(i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
(ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of A.D. 1992.

City Clerk

Mayor

Schedule "A"

To

By-law No. 92-

16 West Avenue South, Hamilton, Ontario

All of Lots 16, 17 and 18 on the South Side of Main Street, bounded by Wellington Street, West Avenue and Hunter Street, Plan 223 and the southern limit of Main Street conforms to Plan BA Number 783, registered as Instrument Number 400464 A.B., in the City of Hamilton, The Regional Municipality of Hamilton-Wentworth.

to

By-law No. 92-

Church of Saint Thomas

16 West Avenue South, Hamilton, Ontario

Context

The Church of Saint Thomas, built in 1869-70, is located at the south-west corner of Main Street East and West Avenue South in the Stinson Neighbourhood. Although little remains along this section of Main of the former streetscape of late 19th and early 20th century buildings, which once included First United Church (now the site of the high-rise development known as First Place), the Church of Saint Thomas still serves as an important neighbourhood landmark. Today, the church presents its best appearance from West Avenue South, a residential street characterized by a pleasant mix of late Victorian housing, including the former 1870s brick rectory directly south of the church, and several early 20th century, low-rise apartments.

Architectural Significance

Designed by Hamilton architect, Albert H. Hills, the Church of Saint Thomas is one of the city's major 19th century Gothic Revival churches and among the last to be constructed of stone. With its asymmetrical form featuring a square corner tower, this church is very similar in design to All Saints Anglican Church, erected three years later. Exterior additions to the original church include the Sunday School added to the rear in 1874 (now the parish hall), the upper section of the tower completed in 1883, and the extension of the chancel in 1908. These additions, all executed in stone with Gothic Revival detailing, together with the original church form a visually unified complex which has been preserved intact.

Historical Significance

Historically important as the third oldest Anglican Church in Hamilton, the parish of Saint Thomas was founded in 1856 as a mission of Christ's Church to serve Anglicans from the city's growing east end. When the congregation outgrew its first church building, erected in 1857 at the corner of Wilson and Emerald Streets, the present church was built on land donated by Ebenezer Stinson.

Designated Features

Important to the preservation of the Church of Saint Thomas are the original features of the north, south and east facades of the 1870 church building, including the stone masonry walls, buttresses, chimneys and carved mouldings, the windows and stained glass, and the doorways. Excluded is the former Sunday School addition on the west side of the church.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 235 TO 265 DARTNALL ROAD

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-69E of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, the land comprised in Block 1,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "M-13" (Prestige Industrial) District provisions, as contained in Section 17E of Zoning By-law No. 6593, applicable to the lands comprised in Blocks 1 and 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 17E(1)(b) of By-law No. 6593, an animal shelter shall be permitted; and
- (b) notwithstanding Section 17E(2)(b)(ii) of By-law No. 6593, a set back of not less than 10.0 m shall be provided and maintained for every building and structure from the TransCanada Pipelines right-of-way.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-13" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1280.

5. Sheet No. E-69E of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1280.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1992) 15 R.P.D.C. 28, August 25
The Hamilton Society for the
Prevention of Cruelty to Animals,
Prospective Owner
ZA-92-29

RYMAL ROAD EAST

NORTH WEST CORNER
OF LOT 15 - CON. 1

DARTNALL ROAD

379.486

102.33 N 71° 45' 30" W

N 18° 14' 30" E

151.4

BLK. 1

BLOCK 2

N 18° 59' 30" E

151.686

CITY OF
HAMILTON LIMITS

100.347 N 71° 36' 10" W

TOWNSHIP OF GLANBROOK

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-.....
Passed the day of, 1992.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 92-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Change in zoning from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified.



Modification to the "M-13" (Prestige Industrial) District regulations.

North



Scale
NOT TO SCALE

Reference File No.
ZA92-29

Date
AUGUST 26, 1992

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

TOWNHOUSES AND MAISONNETTES

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 16 of the 6th Report of the Planning and Development Committee at its meeting held on the 13th day of March 1990, as amended by Section 19 of the 15th Report of the Planning and Development Committee, adopted by City Council on the 25th day of August 1992, recommended that Zoning By-law No. 6593, as amended, be further amended to clarify the definition and regulations respecting "Townhouse" and "Maisonette" dwellings;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Subsection 2.(2)A.(viib) of By-law No. 6593 is revoked and the following is substituted in lieu thereof:

(viib) "Dwelling, Townhouse", shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than three single-family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,

(a) has separate front and rear entrances or separate front and side entrances; and

(b) is joined on one or both sides by a party wall to another dwelling unit in the same row.

(2) Subsection 2.(2)A.(viic) of By-law No. 6593 is revoked and the following is substituted in lieu thereof:

(viic) "Dwelling, Maisonette" shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than six single-family dwelling units, fully attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,

(a) has a separate front entrance; and

- (b) is joined on one or both sides by a party wall to another dwelling unit in the same row; and
- (c) is joined by a common vertical back wall extending the length of the building.

2. (1) Section 10D of By-law No. 6593 is amended by adding thereto the following subsection:

DWELLING UNIT PLACEMENT

- (17) Not more than eight single-family dwelling units shall be attached in a continuous row.

(2) Section 10E of By-law No. 6593 is amended by adding thereto the following subsection:

DWELLING UNIT PLACEMENT

- (17) (a) For townhouses, not more than eight single-family dwelling units shall be attached in a continuous row.
- (b) For maisonettes, not more than sixteen single-family dwelling units shall be provided in one block, and not more than eight single-family dwelling units shall be attached in a continuous row.

(3) Section 10F of By-law No. 6593 is amended by adding thereto the following subsection:

DWELLING UNIT PLACEMENT

- (9) Not more than eight single-family dwelling units shall be attached in a continuous row.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1990) 6 R.P.D.C. 16, March 13
 (1992) 15 R.P.D.C. 19, August 25
 City Initiative 89-F

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE SOUTH-EAST CORNER OF STONE CHURCH ROAD EAST
AND UPPER WENTWORTH STREET

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 116, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "E-2" (Multiple Dwellings) District to "G-4" (Designed Neighbourhood Shopping Area) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "G-4" (Designed Neighbourhood Shopping Area) District provisions, as contained in Section 13D of Zoning By-law No. 6593, applicable to the land referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 13D(1)B of By-law No. 6593, only the following commercial uses shall be permitted:
 - (i) retail grocery store;
 - (ii) retail drug store;
 - (iii) retail stationer;
 - (iv) retail bakery or confectionary store;
 - (v) barbershop, hairdressing establishment or beauty parlour;
 - (vi) retail hardware store;
 - (vii) shoe repair shop;
 - (viii) collecting and distributing station for a laundry or dry cleaner;
 - (ix) retail dry goods store or a retail women's or men's clothing store;
 - (x) bank;

- (xi) offices for medical or dental practitioners;
 - (xii) offices for use by insurance agents, lawyers, auditors or realtors;
 - (xiii) a photographer's studio except a motion picture studio;
 - (xiv) signs in accordance with clause (xvii) of Section 13D(1)B;
- (b) notwithstanding Section 13D(1)C of By-law No. 6593, an accessory use shall be permitted, provided that the accessory use does not occupy more than twenty-five per cent of the floor area of the commercial uses permitted in section 2.(a) of this by-law;
 - (c) Section 13D(5) of By-law No. 6593 shall not apply;
 - (d) a landscaped planting strip not less than 3.0 m in width shall be provided and maintained along the lot lines adjacent to the residential districts to the east and south; and
 - (e) a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the lot lines adjacent to the residential districts to the east and south.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-4" District provisions, subject to the special requirements referred to in section 2.
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1283.
5. Sheet No. E-27C of the District Maps is amended by marking the land referred to in section 1 of this by-law, S-1283.
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1992.

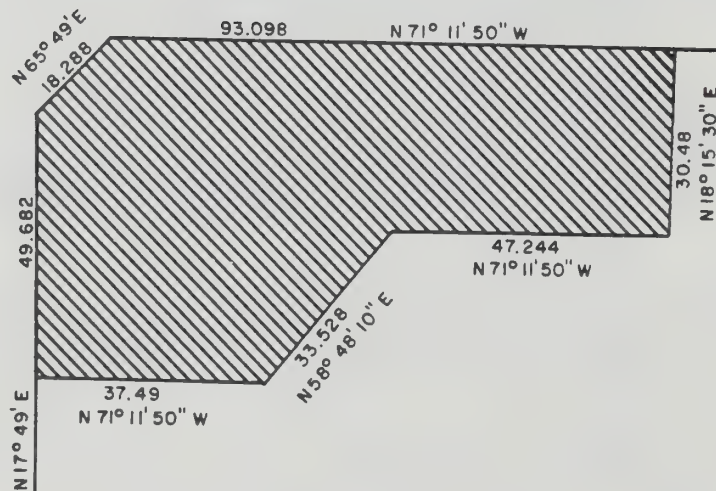
City Clerk

Mayor

(1992) 15 R.P.D.C. 30, August 25
T. Valeri Construction Limited, Owner
Amended ZA-88-129

STONE CHURCH ROAD EAST

UPPER WENTWORTH STREET



NOTE: All dimensions are in metres

This is Schedule "A" to B, 1992.
Passed the day of 1992.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 92-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"E-2" (Multiple Dwellings) District to
"G-4" (Designed Neighbourhood
Shopping Area) District, modified.

North



Scale
NOT TO SCALE

Date
SEPTEMBER, 1992

Reference File No.
ZA 88-129

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NOS. 1630 UPPER GAGE AVENUE
AND 867 RYMAL ROAD EAST

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-128 on the 25th day of June 1991 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the lands located at Municipal Nos. 837, 845 and 867 Rymal Road East, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, Chapter 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-027 on the 14th day of January 1992 to amend By-law No. 91-128 to revoke Schedule "A" to By-law No. 91-128 and replace it with a revised Schedule "A", which amending by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 117, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-38D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, the land comprised in Block 1; and
- (b) by changing from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A(1) of By-law No. 6593, only the following commercial uses shall be permitted:
 - (i) a mechanical car wash; or
 - (ii) a lubrication service for motor vehicles;
- (b) a landscaped planting strip not less than 3.0 m in width shall be provided and maintained along the northerly and westerly lot lines;
- (c) a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the northerly and westerly lot lines.

3. Clauses (b) and (c) of Section 3 of By-law No. 91-128, passed on the 25th day of June 1991 are amended by deleting the words "northerly and" and by changing the word "lines" to "line" in the third lines thereof.

4. In all other respects, By-law No. 91-128, as amended, is hereby confirmed, unchanged.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in sections 2 and 3.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1226b.

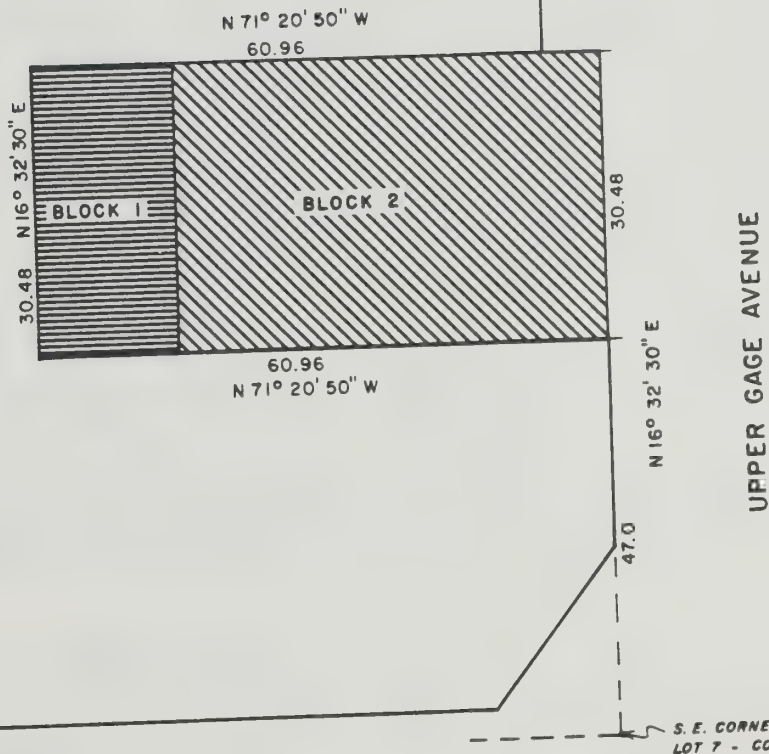
7. Sheets No. E-38D and E-38E of the District Maps are amended by marking the lands referred to in section 1. (c) of By-law No. 91-128, and the lands referred to in section 1 of this by-law, S-1226b.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor



RYMAL ROAD EAST

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-.....
Passed the day of, 1992.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 92-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 BLOCK 1

Change in zoning from "AA" (Agricultural) District
to "HH" (Restricted Community Shopping and
Commercial) District, modified.

 BLOCK 2

Change in zoning from "C" (Urban Protected Res-
idential, etc.) District to "HH" (Restricted Commu-
nity Shopping and Commercial) District, modified.

North



Scale
NOT TO SCALE

Date
AUGUST 25, 1992

Reference File No.
ZA92-18

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend Zoning By-law No. 6593

And To Repeal By-laws No. 87-68, 87-221, 87-222,
90-304, 90-312, 90-313, 90-305, 90-314 and 90-315

Respecting:

**LANDS LOCATED ON THE WEST SIDE OF UPPER JAMES STREET
BETWEEN WEMBLEY AND SOUTH BEND ROADS
(NOS. 676 TO 712 UPPER JAMES STREET)**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-68 on the 10th day of March 1987 to adopt Official Plan Amendment No. 49 respecting land located on the west side of Upper James Street, south of Wembley Road, known municipally as No. 678 Upper James Street;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-221 on the 28th day of July 1987 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "H" District, in respect of the land located at Municipal No. 678 Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-222 on the 28th day of July 1987 to establish site plan control on the land located at Municipal No. 678 Upper James Street;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-304 on the 30th day of October 1990 to adopt Official Plan Amendment No. 93 respecting lands located at Municipal Nos. 694-696 Upper James Street;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-312 on the 13th day of November 1990 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "H" District, in respect of the lands located at Municipal Nos. 694 and 696 Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-313 on the 13th day of November 1990 to establish site plan control on the lands located at Municipal Nos. 694 and 696 Upper James Street;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-305 on the 30th day of October 1990 to adopt Official Plan Amendment No. 94 respecting land located at Municipal No. 710 Upper James Street;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-314 on the 13th day of November 1990 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "H" District, in respect of the land located at Municipal No. 710 Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-315 on the 13th day of November 1990 to establish site plan control on the land located at Municipal No. 710 Upper James Street;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 32 of the 15th Report of the Planning and Development at its meeting held on the 25th day of August 1992, recommended that By-laws No. 87-68, 87-221, 87-222, 90-304, 90-312, 90-313, 90-305, 90-314 and 90-315 be repealed;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 115, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-laws No. 87-68, 87-221, 87-222, 90-304, 90-312, 90-313, 90-305, 90-314 and 90-315 are hereby repealed.

2. Sheet No. W-8 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing "C" (Urban Protected Residential, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3. The "H" (Community Shopping and Commercial, etc.) District referred to in section 2 shall be subject to the special requirements that,

- (a) upon the applicant/owner applying for and receiving approval of a Site Plan,

the 'H' symbol shall be removed by amendment to this by-law, and the development of the lands referred to in section 1 may proceed in accordance with the "H" District provisions, subject to the special requirements referred to in section 4 of this by-law.

4. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands referred to in section 2 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14(1) of By-law No. 6593, only the following uses shall be permitted within the buildings existing at the date of the passing of this by-law;

(i) RESIDENTIAL USES:

1. single-family dwelling;
2. one dwelling unit in the same building with a permitted commercial use;

(ii) COMMERCIAL USES:

1. business or professional person's office;
2. photographer's or artist's studio but not including a motion picture studio;
3. barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
4. retail store selling,
 - (1) wearing apparel and accessories;
 - (2) furniture, home furnishings, appliances;
 - (3) antiques;
 - (4) books and stationery;
 - (5) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
 - (6) cameras and photographic supplies;
 - (7) jewellery;
 - (8) flowers, plants and like goods sold or offered for sale by a florist;
 - (9) sale and dispensing of optical goods;
 - (10) computer sales and service; and
 - (11) musical instruments sales and service;
5. photocopy service;
6. retail drug store;
7. food store;
8. retail variety store;
9. showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker, shop for the sale of plumbing supplies or fixtures, or a pet shop; and
10. commercial lending library or art gallery;

(iii) INSTITUTIONAL USE:

1. day nursery;

(iv) PUBLIC USES:

1. library; and
2. art gallery;

(v) ACCESSORY USE:

1. a wall, ground or projecting sign that complies with the following requirements:

- (1) no sign shall exceed 1.2 m in vertical dimension or 2.2 m² in area; and
 - (2) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;
- (b) no extensions or enlargements of the buildings existing at the date of the passing of this by-law shall be permitted;
- (c) notwithstanding Sections 14(2) and (3) of By-law No. 6593, the following regulations shall apply to the development of lots vacant at the date of the passing of this by-law:
 - (i) no building shall exceed 2.0 storeys in height;
 - (ii) a front yard shall have a depth of not less than 4.5 m;
 - (iii) a side yard along each side lot line shall have a width of not less than 1.2 m; and
 - (iv) a rear yard shall have a depth of not less than 7.5 m;
- (d) in the event that the existing building is destroyed or demolished, it may be replaced only with a building with the same external dimensions and floor area as the building which it replaces and subject to the uses as set out in 4(a) and the regulations set out in 4(c), above;
- (e) a visual barrier not less than 1.2 m and not more than 2.0 m in height; and a landscaped planting strip not less than 1.5 m in width shall be provided and maintained along the entire westerly lot line;
- (f) all lighting facilities at the rear of the properties shall be installed and maintained so as to ensure that the light is directed away from all adjacent residential uses;
- (g) notwithstanding Section 18A(1) of By-law No. 6593, the following parking requirements shall be provided and maintained:
 - (i) one space for each dwelling unit;
 - (ii) one space for every 19 m² of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);
 - (iii) one space for every 6 children for day nurseries; and
 - (iv) one space for every 31 m² of floor area for all other permitted uses.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1281.

7. Sheet No. W-8 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1281.

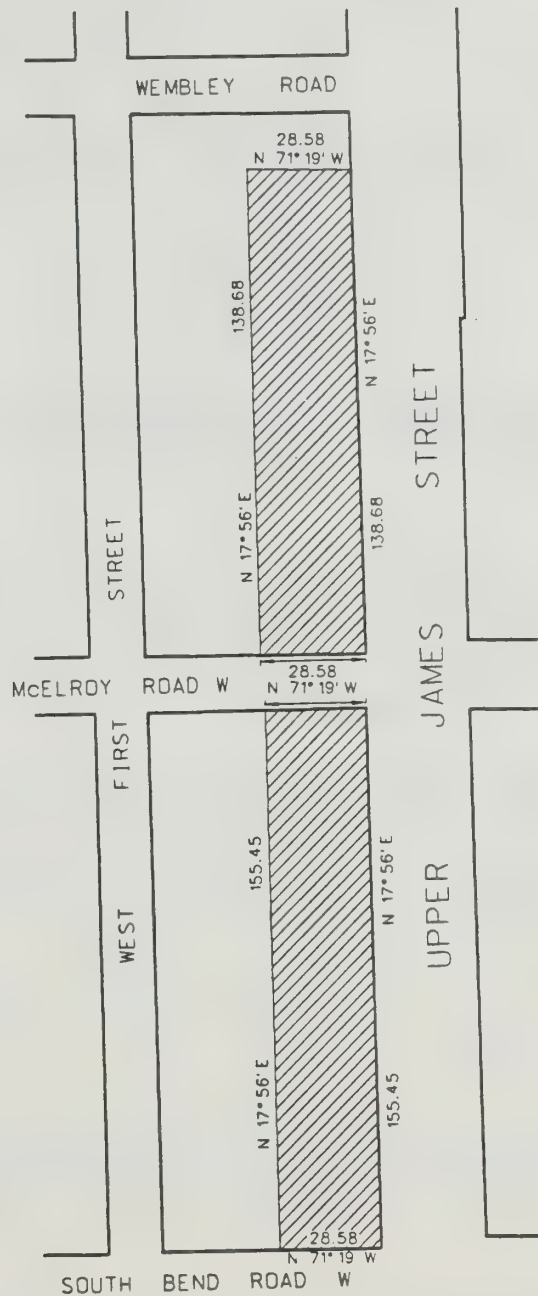
8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1992) 15 R.P.D.C. 32, August 25
City Initiative 92-D



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-____
Passed the _____ day of _____, 1992.

Clerk

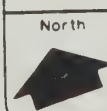
Mayor

City of Hamilton
Schedule A
Map Forming Part of
By-Law No. 92-____
to Amend By-Law No. 6593
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend
Change in zoning from:



"C" (Urban Protected Residential, etc.)
District to "H"- "H" (Community Shopping and
Commercial, etc. - Holding) District



North

Scale
NOT TO SCALE

Reference File No.
C1-92-D

Date
SEPTEMBER, 1992

Drawn By
H.V.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED ON THE WEST SIDE OF UPPER JAMES STREET
BETWEEN WEMBLEY AND SOUTH BEND ROADS
(NOS. 676 TO 712 UPPER JAMES STREET)

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

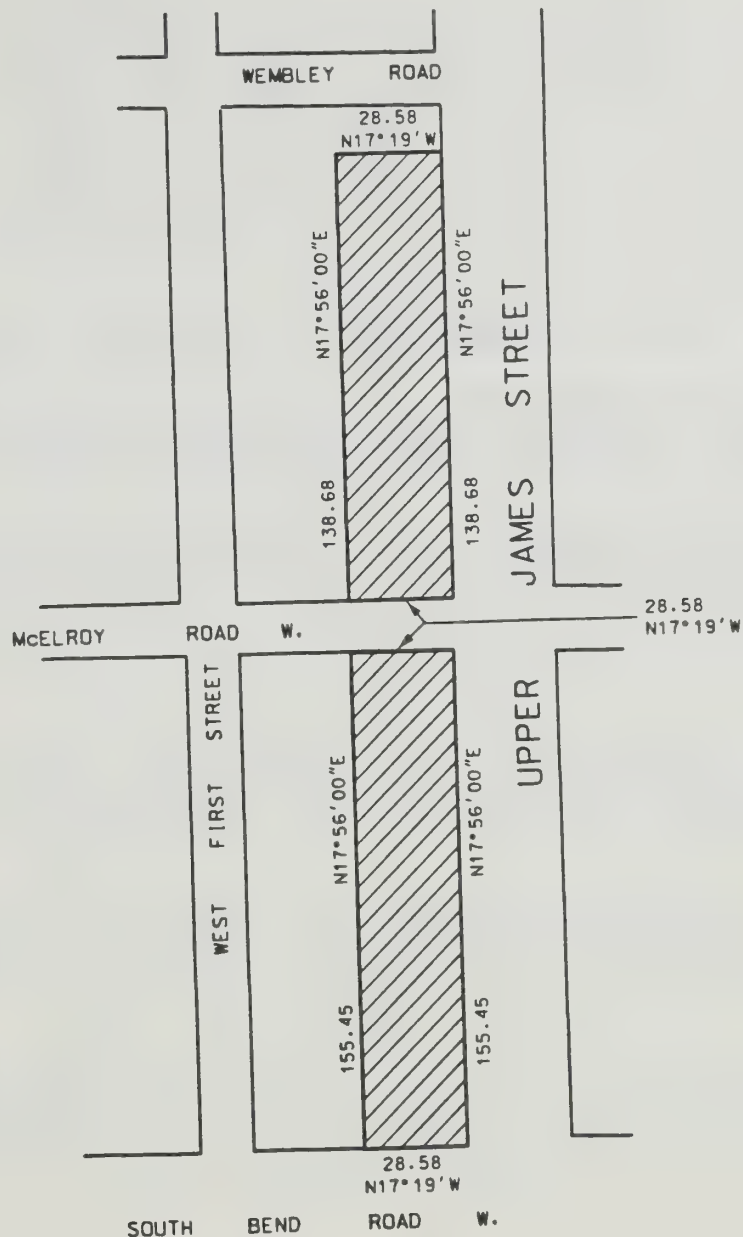
142. Lands located on the west side of Upper James Street between Wembley and South Bend Roads, (Nos. 676 to 712 Upper James Street), shown on Appendix 142 hereto annexed and forming part of this by-law.

2. Appendix 142 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1992.

City Clerk

Mayor



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-____
Passed the ____ day of _____, 1992.

Clerk

Mayor

City of Hamilton APPENDIX 142

By-Law No. No. 79-275
as amended by
By-Law No. 87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to Section 40 of the
Planning Act.



Scale
NOT TO SCALE

Date
SEPTEMBER, 1992

Reference File No.
CI-92-D

Drawn By
T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593
As Amended by By-laws No. 74-151, 83-228 and 85-89

Respecting:

THE "M" (PRESTIGE INDUSTRIAL) DISTRICTS

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July, 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 74-151 on the 30th day of July 1974, to amend By-law No. 6593 to establish the Prestige Industrial Districts under Sections 17C, 17D, 17E, 17F and 17G respecting the "M" Districts, which by-law was approved by the Ontario Municipal Board by Order dated the 29th day of April 1975, (File No. R 741557);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 83-228 on the 27th day of July 1983, to further amend By-law No. 6593 with respect to the "M" Districts, which by-law was approved by the Ontario Municipal Board by Order dated the 9th day of December 1983, (File No. R 831628);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 85-89 on the 30th day of April 1985 to further amend By-law No. 6593 with respect to the "M" Districts, which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, Chapter 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 34 of the 15th Report of the Planning and Development Committee at its meeting held on the 25th day of August 1992, recommended that Zoning By-law No. 6593 be amended to provide for a general text amendment to the "M" (Prestige Industrial) District regulations;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 114, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sections 17C, 17D, 17E, 17F and 17G of Zoning By-law No. 6593 are amended by deleting the Tables referred to and forming part of the by-law and substituting therefor the Tables annexed hereto as Schedules "A", "A-1", "A-2", "A-3", and "A-4" which are included and form part of this by-law and part of the "M-11", "M-12", "M-13", "M-14" and "M-15" District provisions of By-law No. 6953.

2. (a) Section 2. (2) J. (va) of the said by-law is amended by deleting the words "numbered and named" in the second line and substituting therefor the words "name of the" and deleting the words "number and" in the fifth line so the section will read as follows:

"Designate" means, when used to identify a use in a district by means of a table, the name of the use not prohibited in the district by reference to an "X" marked at the intersection of a horizontal column in the table containing the name of the use and a vertical column in the table containing the district symbol so that the district in which the use is not prohibited is the district whose symbol is located at the top of the vertical column in which the "X" is located;" (83-228) (92-)

(b) Section 2. (2) J. (xxiva) of the said by-law is amended by deleting the word "is" in the third line and substituting therefor the words "may be" so the section will read as follows:

"Use not prohibited" in a table means a use of land or purpose for which land may be used set out in the table and respecting which there may be a corresponding identification number;" (83-228) (92-)

3. (a) Section 6. (15) of the said by-law is amended by deleting the words "there is" in the second line, and substituting therefor the words "may have" after the word "list" and adding the word "the" after the word "of" in the third line so the section will read as follows:

"Where a table contains a list for which one or more members of the list may have a corresponding identification number, the member of the list shall be the use or purpose for which land may be used that is either Residential, Public, Institutional, Commercial or Industrial, as the case may be, and the member may be referred to by the name of the use or purpose in the list." (83-228) (92-)

(b) Section 6. (16) of the said by-law is amended by deleting the word "has" in the fourth line and substituting therefor the words "may have" so the section will read as follows:

"Where a designated use in a table contains the word "other", the designated use defines a use of land in general terms so as to permit a particular use of land not elsewhere referred to that conforms with any use designated in a table that may have at least the same first two digits in its corresponding identification number as in the four digit number identifying the use of the land in general terms." (83-228) (92-)

(c) Section 6. (17) of the said by-law is amended by deleting the word "is" in the first line and substituting therefor the words "may be" so the section will read as follows:

"Where a use may be identified by a number and designated in a table as a use not prohibited in a District, the use is the principal use and does not include any designated use identified by a different number." (83-228) (92-)

4. Sections 17C. (1) (d), 17D. (1) (d), 17E. (1) (e), 17F. (1) (d) and 17G. (1) (d) of the said by-law are repealed in their entirety and replaced with the following:

"ACCESSORY USES as follows:

1. Any accessory building, structure or use customarily ancillary to any of the uses not prohibited.
2. A dwelling unit not exceeding 83.5 square metres (898.81 square feet) of gross floor area which is necessary for maintenance staff for an industrial use.
3. Ground sign, wall sign, roof sign."

5. Section 17C. (2) (b) 1. (ii) of the said by-law is amended by adding the words "Side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres (19.69 feet), except" at the beginning of the subclause so that it shall read as follows:

"Side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres (19.69 feet), except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres (19.69 feet)."

6. (a) Section 17C. (2) (f) 1. (i) of the said by-law is amended by adding the words "except for the area used for access driveways," at the beginning of the subclause so that it shall read as follows:

"except for the area used for access driveways, a landscaped area in the required front yard having a depth of not less than 6.0 metres (19.69 feet) abutting the street line;"

(b) Section 17C. (2) (f) 1. (ii) of the said by-law is amended by adding the words "except for the area used for access driveways;" at the end of the subclause so that it shall read as follows:

"where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line, except for the area used for access driveways."

7. Sections 17C. (2) (h) 4. and 17D. (2) (h) 4. of the said by-law are amended by adding the words "except for Lawn and Garden Centres" at the end of the clauses so that the clauses shall read as follows:

"The total area used for storage outside of a building or structure shall not exceed 5% of the lot area, except for Lawn and Garden Centres."

8. Sections 17C. (3) 5. (i), 17D. (3) 5. (i), 17E. (3) 5. (i), 17F. (3) 5. (i) and 17G. (3) 5. (i) of the said by-law are deleted in their entirety and the subsequent subclauses are appropriately renumbered.

9. Section 17C. of the said by-law is amended by adding thereto the following clause:

"17C. (3) 6. (i) Notwithstanding subclause 2. (2) J. (xxvi), no ground sign shall be located less than 6.0 m (19.69') from the nearest street line.

(ii) Notwithstanding clause (i) above, no ground sign shall be located less than 12.0 m (39.37') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."

10. Section 17D. of the said by-law is amended by adding thereto the following clause:

"17D. (3) 6. (i) Notwithstanding subclause 2. (2) J. (xxvi), no ground sign shall be located less than 6.0 m (19.69') from the nearest street line.

(ii) Notwithstanding clause (i) above, no ground sign shall be located less than 12.0 m (39.37') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."

11. Section 17E. of the said by-law is amended by adding thereto the following clause:

- "17E. (3) 6. (i) Notwithstanding subclauses 2. (2) J. (xb) and 2. (2) J. (xxvi), no ground sign shall be located less than 3.0 m (9.84') from the nearest street line.
- (ii) Notwithstanding clause (i) above, no ground sign shall be located less than 6.0 m (19.69') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."

12. Section 17F. of the said by-law is amended by adding thereto the following clause:

- "17F. (3) 6. (i) Notwithstanding subclauses 2. (2) J. (xb) and 2. (2) J. (xxvi), no ground sign shall be located less than 3.0 m (9.84') from the nearest street line.
- (ii) Notwithstanding clause (i) above, no ground sign shall be located less than 6.0 m (19.69') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."

13. Section 17G. of the said by-law is amended by adding thereto the following clause:

- "17G. (3) 6. (i) Notwithstanding subclauses 2. (2) J. (xb) and 2. (2) J. (xxvi), no ground sign shall be located less than 3.0 m (9.84') from the nearest street line.
- (ii) Notwithstanding clause (i) above, no ground sign shall be located less than 6.0 m (19.69') from the front lot line, for those lands having frontage either on Stone Church Road East or Nebo Road."

14. In all other respects, By-law No. 6593, as amended, is hereby confirmed, unchanged.

15. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor

TABLE 1 - RESIDENTIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Hotel	X				
Motor Hotel	X				
Motel	X				
Camping Grounds and Travel Trailer Parks			X		

This is Schedule "A" to By-law No. 92- , passed the day of , 1992

Clerk

Mayor

TABLE 2 - PUBLIC USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Federal Government Service	X	X			
Provincial Government Services	X	X			
Regional and Local Government Services	X	X			
International and Extra Territorial Government Services	X	X			
Library Services			X		
Museums and Archives			X		
Sports and Recreation Clubs and Services			X		
Botanical and Zoological Gardens			X		
Other Amusement and Recreational Services except agricultural fairs, fortune tellers, go kart tracks, horseback riding operations riding schools, trainers - all types			X		
Business Associations	X	X	X		
Professional Membership Associations	X	X	X		
Labour Organizations	X	X	X		
Political Organizations	X	X	X		
Civic and Fraternal Organizations	X	X	X		
Animal Shelters			X		

This is Schedule "A-1" to By-law No. 92- , passed this day of , 1992.

Clerk

Mayor

TABLE 3 - INSTITUTIONAL USES

<i>USE NOT PROHIBITED</i>	<i>DISTRICT</i>				
	<i>M-11</i>	<i>M-12</i>	<i>M-13</i>	<i>M-14</i>	<i>M-15</i>
Child Care and Nursery School Services	X	X	X	X	X

This is Schedule "A-2" to By-law No. 92- , passed on the day of , 1992

Clerk

Mayor

TABLE 4 - COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Project Management Construction		X	X	X	X
Other Services Incidental to Construction		X	X	X	X
Truck Transport Industries		X	X	X	X
Public Passenger Transit Systems Industries				X	X
Other Storage and Warehousing Industries with ancillary retail not to exceed 49% of the gross floor area of building		X	X	X	X
Telecommunication Broadcasting Industries		X	X	X	X
Postal and Courier Service Industries	X	X			
Wholesaling:					
Food, beverage, drug and tobacco		X	X	X	X
Apparel and dry goods		X	X	X	X
Household Goods		X	X	X	X
Motor Vehicle Parts and Accessories except rebuilding, recapping, retreading or vulcanized tires		X	X	X	X
hardware and plumbing and air conditioning equipment and supplies		X	X	X	X
lumber and building materials		X	X	X	X
machinery, equipment and sales		X	X	X	X
paper and paper products		X	X	X	X
agricultural supplies		X	X		
toys, amusement and sporting goods		X	X		
photographic equipment and musical instruments and supplies		X	X		
jewellery and watches		X	X		
industrial and household chemicals		X	X		
general merchandise		X	X		
books, periodicals and newspaper		X	X		
second hand goods except automotive and machinery		X	X		

TABLE 4 - COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Retail Stores selling:					
food	X				
liquor, wine, beer	X				
prescription drugs, and medicine	X				
household furniture, appliances and furnishings except furniture finishing and repair	X	X			
furniture refinishing and repair	X	X	X		
general merchandise	X				
books and stationary	X				
hardware, paint, wallpaper, and glass	X	X			
sporting goods and bicycles	X				
musical instruments and records	X				
camera and photographic supplies	X				
toy, hobby, novelty and souvenirs	X				
other retail stores	X				
Gasoline Service Stations	X				
Recreation Vehicle Dealers	X	X			X
Automotive Parts and Accessories Store	X	X			
Motor Vehicle Repair Shops except paint and autobody repair shops	X				
Motor Vehicle Repair Shops including paint and autobody repair shops					X
Other Motor Vehicle Services	X				
Car Washes		X	X	X	X
Car washes which may sell gasoline	X				
Lawn and Garden Centres with a maximum of 25% of lot area to be used for outside storage and sales area	X	X			
Vending Machine Operators	X	X			
Direct sellers	X	X			
Finance and Insurance Industries	X	X			

TABLE 4 - COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Real Estate Operators and Insurance Agent Industries	X	X			
Employment Agencies and Personnel Suppliers	X	X			
Computer and related services	X	X	X		
Accounting and bookkeeping services	X	X	X		
Advertising services	X	X	X		
Architectural, Engineering, and Other Scientific and Technical Services	X	X	X		
Offices for:					
lawyers, notaries	X	X			
medical, dental	X	X			
health practitioners	X	X			
social services practitioners	X	X			
Management Consulting Services	X	X			
Other Business Services	X	X			
Post Secondary Non-University	X	X	X		
Medical and Health Laboratories	X	X	X		
Health and Social Service Associations and Agencies	X	X			
Food services except caterers	X				
Outdoor Patio in conjunction with food services (restaurant) only	X				
Caterers including banquet facilities	X	X			
Motion Picture, Audio and Video Production and Distribution		X	X		
Regular Motion Picture Theatre			X		
Class H Adult Entertainment Parlour	X				
Bowling Alleys and Billiard Parlours			X		
Amusement park and Carnival Closes			X		
Dance Halls, studios and Schools			X		
Roller Skating Facilities			X		
Barber and Beauty Shops	X				

TABLE 4 - COMMERCIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Laundries and cleaners except distributors and/or agents for dry cleaners, Self serve laundries and/or dry cleaners , and valet services, pressing and/or repairing				X	X
Distributors and/or agents for Dry Cleaners	X				
Self serve laundries and/or dry cleaners	X				
Valet Services, pressing and/or repairing	X				
Other Personal Household Services	X	X			
Machinery and Equipment Rental and Leasing Services		X	X	X	X
Automobile Truck Rental and Leasing Services					X
Photographers	X	X			
Repair Services		X	X	X	X
Services to Buildings and Dwellings		X	X	X	X
Travel Services	X	X			
Veterinary Services			X		
Kennels			X		

This is Schedule "A-3" to By-law No. 92- , passed the day of , 1992.

TABLE 5 - INDUSTRIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Fruit and Vegetable Industry				X	X
Dairy Products Industry				X	X
Bakery Products Industry				X	X
Sugar and Sugar Confectionery Industries except Cane and Sugar Beet Industry				X	X
Other Food Products Industries				X	X
Soft Drink Industry			X	X	X
Brewery, Distillery, Wine Industries				X	X
Rubber Products except Tire and Tube Industries				X	X
Leather and Allied Products Industries except leather tanneries		X	X	X	X
Primary Textile Industries				X	X
Textile Products Industries except carpets, mats, rugs industry		X	X	X	X
Clothing Industries		X	X	X	X
Sash, Door and Other Millwork Industries				X	X
Wooden Box and Pallet Industries				X	X
Coffin and Casket Industries				X	X
Other Wood Industries except Wood Preservation Industry				X	X
Furniture and Fixture Industries				X	X
Paper Box and Paper Bag Industries			X	X	X
Printing, Publishing, and allied Industries		X	X	X	X
Fabricated Metal Products Industries - (Except Machinery and Transportation Equipment Industries) - except Power Boiler and Heat Exchanger Industry				X	X
Motor Vehicle Part and accessories Industries except firewall and leaf spring manufacturing				X	X
Boat Building and Repair Industry				X	X
Small Electrical Appliance Industry			X	X	X
Major Appliance Industry			X	X	X
Electric Lighting Industries			X	X	X
Record Player, Radio, Television Receiver Industry			X	X	X

TABLE 5 - INDUSTRIAL USES

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Communication and other Electronic Equipment Industries			X	X	X
Office, Store and Business Machine Industries			X	X	X
Electrical industrial equipment Industries			X	X	X
Communications and Energy Wire and Cable Industries			X	X	X
Electrical Products Industries except Battery Industry			X	X	X
Clay Products Industries				X	X
Concrete Products Industries				X	X
Glass Products Industries except Glass Containers					X
Other Non-metallic Products Industries except asbestos and gypsum products				X	X
Pharmaceutical and Medicinal Products			X	X	X
Toilet Preparations Industry			X	X	X
Scientific and Professional Equipment Industries			X	X	X
Jewellery and Precious Metals Industries			X	X	X
Sporting Goods and Toy Industries			X	X	X
Sign and Display Industry			X	X	X
Manufactured Products Industries			X	X	X
Building, Developing, and General Contracting Industries			X	X	X
Industrial and Heavy (Engineering) Construction Industries			X	X	X
Trade Contracting Industries			X	X	X

This is Schedule "A-4" to By-law No. 92- , passed on the day of , 1992.

Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 55 LANCING DRIVE

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the special condition relating to this rezoning, referred to in Section 17 of the 4th Report of the Planning and Development Committee adopted by City Council on the 25th day of February 1992, as amended by Section 18 of the 15th Report of the Planning and Development Committee adopted by City Council on the 25th day of August 1992, has been satisfied;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "M-14" (Prestige Industrial) District provisions, as contained in Section 17F of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 17F(1)(b) of By-law No. 6593, the following Commercial Uses shall be permitted:

S.I.C. Identification Number	Commercial Use
6351	General Repair Garage
6352	Paint and Body Repair Shop

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-14" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1263.

4. Sheet No. E-59D of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1263.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor

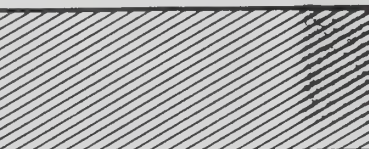
(1992) 4 R.P.D.C. 17, February 25
 (1992) 15 R.P.D.C. 18, August 25
 ABD Technology Inc., Owner
 ZA-91-77

UNSWORTH DRIVE

N16°33'00"E
40.000

LANCING DRIVE

LANCING



40.000
N16°21'10"E

N73°27'00"W 108.986

N73°27'00"W 109.124

189.450

N16°33'00"E

LANCING DRIVE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-
Passed the _____ day of _____, 1992.

Clerk

Mayor

City of Hamilton
Schedule A
Map Forming Part of
By-Law No. 92-
to Amend By-Law No. 6593
Regional Municipality of Hamilton-Westworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 92-.....

North



Scale
NOT TO SCALE

Date
FEBRUARY, 1992

Reference File No.
ZA 91-77

Drawn By
T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Municipal Tax Levy By-law No. 71-69

Respecting:

OPTIONAL PRE-AUTHORIZED REALTY TAX PAYMENTS

WHEREAS pursuant to Section 399 of the Municipal Act, R.S.O. 1990, Chapter M-45, the City is empowered to provide for the payment of realty taxes by instalments and is further empowered to invoke penalties and discounts;

AND WHEREAS the municipality is further empowered to direct that such monies be paid by the person charged with payment into banks as authorized by the said section of the Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 27 of the 12th Report of the Finance and Administration Committee, at its meeting held on the 12th day of May 1992, directed that By-law No. 71-69, as amended, be further amended to implement an optional Pre-Authorized Tax Payment Plan

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 71-69 is amended by adding the following subsection:

10(a) (1) In this By-law, MONTHLY AUTOMATIC PAYMENT PLAN means the pre-authorized monthly withdrawal of the realty tax from the taxpayer's financial institution through electronic funds transfer.

(2) Notwithstanding Section 10, residential, industrial, and commercial realty taxpayers of The Corporation of the City of Hamilton may enrol in an optional Monthly Automatic Payment Plan to provide for the payment of realty taxes, and other charges collected in a like manner as taxes, in monthly payments in any year. The payments will be made by pre-authorized withdrawal from the taxpayer's financial institution.

(3) The Monthly Automatic Payment Plan commences on January 1, 1993.

(4) Payments made under the Plan for 1993 will be divided into eleven payments. The first payment will be withdrawn on January 1, 1993 and on the first day of each subsequent month until November 1, 1993. For subsequent tax years, the Plan will require twelve monthly payments. The first payment will commence on December 1st and continue on the first day of each month until November 1st of the next year.

(5) If the taxpayer makes all payments as required by the Plan, no penalty or interest will be levied.

(6) Continued enrolment in the Monthly Automatic Payment Plan may be revoked by the Treasurer if more than one monthly payment fails to be honoured. If a taxpayer defaults on more than one payment, the Treasurer may cancel the privilege of any defaulting taxpayer to participate in the Monthly Automatic Payment Plan for one (1) year. Tax accounts disqualified from the program, shall revert to the regular instalment billing system and be subject to penalty and interest in accordance with By-Law Number 71-69 or subsequent tax levy by-laws.

1992. PASSED this day of , A.D.

City Clerk

Mayor

(1992) 12 R.F.A.C. 27, May 12

BY-LAW NO. 92 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 29TH DAY OF SEPTEMBER A.D., 1992.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this

day of

A.D. 1992

CITY CLERK

MAYOR

CAL ON HBLAOS
A31
A92
URBAN/MUNICIPAL



URBAN MUNICIPAL
GOV
MENT DOCUMENTS

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1992 October 13
7:30 o'clock p.m.
Council Chambers, City Hall**

**J. J. Schatz
City Clerk**

AGENDA

- 1. National Anthem**
- 2. Opening Prayer**

Pastor Frank Slobodnik
St. Gregory The Great (Slovenian)
- 3. Presentations**
 - (a) Cermenonial Scissors by Mr. Bob Philip to the Mayor
 - (b) Certificate of Recognition - M.A.D. Creative Art School
 - (c) Certificate of Recognition - Sport Volunteer Administrator of the Year Award
- 4. Proclamations**
 - (a) Child Abuse Prevention Month - 1992 October
 - (b) Schizophrenia Awareness Month - 1992 October
 - (c) Canadian Football Hall of Fame Week - 1992 October 19th - 25th
 - (d) Hamilton Public Library Week - 1992 October 19th - 25th

5. *Minutes*
 - (a) 1992 September 29
 - (b) 1992 October 6 (Special Meeting)
6. *Petitions and Correspondence*
7. *Reports of the Standing Committees*
 - (b) *Parks and Recreation Committee*
 - (c) *Planning and Development Committee*
 - (h) *Finance and Administration Committee*
8. *Motions of which notice has been given previously - Alderman F. Eisenberger*
9. *Notices of Motion for Next Meeting*
10. *First Reading of the Bills*
11. *Second Reading of the Bills - Committee of the Whole*
12. *Third Reading of the Bills*
13. *Question Period*
14. *Adjournment*

MINUTES

1992 September 29

Minutes of Hamilton City Council
1992 September 29
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met.

Present: Mayor Robert M. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico.

City Council commenced with the playing of the National Anthem.

* * * * *

Reverend Lewis H. Worrada, Jr. of Philpott Memorial Church led Council in prayer.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition for the 100th Anniversary of Philpott Memorial Church.

Mayor R. M. Morrow presented a Certificate of Recognition as presented for the Master Bowlers Association of Canada National Five Pin Championships.

Mayor R. M. Morrow presented civic silver pins to the Hamilton Synchronized Swim Team.

Mayor R. M. Morrow presented civic gold rings to the Hamilton and District Ten Pin Bowling

Mayor R. M. Morrow presented civic gold rings to the Asian All Star Bowling Championships held in Malaysia.

Members of City Council were presented with Blue and White Ribbons signifying the Canadian Forces involvement in United Nations Peacekeeping.

Mayor R. M. Morrow proclaimed the following:

- a) Hamilton and District Extend-a-Family Week for the week of September 13-19, 1992.
- b) Ontario Home Week for the week of September 27 to October 3, 1992.
- c) Legion Week for the week of September 20 - 26, 1992.
- d) Peace Park Day on October 8, 1992.
- e) Aids Awareness Week for the week of October 5 - 11, 1992.
- f) Waste Reduction Week for the week of September 27 - October 4, 1992.

* * * * *

The minutes of the meeting held 1992 August 25 were adopted as circulated.

* * * * *

Correspondence:

1. Letter dated 1992 August 28 from the Regional Municipality of Waterloo respecting New Legislation for Beverage Containers.

Referred to the Transport and Environment Committee.

2. Application dated 1992 September 15 from 394553 Ontario Limited c/o Mr. John and Dan Pasquale, Hamilton, Ontario for a modification to the "H" (Community Shopping and Commercial, etc.) District regulation for property at Nos. 664-682 Concession Street, Hamilton, Ontario.

Received.

3. Application dated 1992 September 15 from Allan T. McGuirl and Florrie McGuirl, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District for Block "2" for property located at the rear of 614 Stone Church Road East, Hamilton, Ontario.

Received.

4. Application dated 1992 September 14 from Pane Del Sole Bakery, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District for 150 Catherine Street North, Hamilton, Ontario.

Received.

5. Application dated 1992 September 16 from Frank and Filomena Ricci, Hamilton, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District regulations for property located at No. 21 Dunsmure Road, Hamilton, Ontario

Received.

6. Application dated 1992 September 17 from Shedaco Holdings Limited, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located at No. 625 Rymal Road West, Hamilton, Ontario.

Received.

7. Application dated 1992 September 21 from 766284 Ontario Limited, Oakville, Ontario for a change in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified for Blocks "1" and "2" and from "G-3" (Public Parking Lots) District, modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) (District, modified for Block "3" for lands at the rear of No. 141 Queenston Road, Hamilton, Ontario.

Received.

8. Letter from S. G. Hollowell, Acting City Clerk respecting an objection to By-law No. 92-197 respecting property within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue North.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Cooke that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee and the Committee of the Whole be now considered in Committee of the Whole.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico. 17.

NAYS: -0.

CARRIED.

* * * * *

TRANSPORT AND ENVIRONMENT COMMITTEE - TENTH REPORT
--

Section 18

Re: Banner across Main St. - Hamilton Air Show

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico. -16.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Section 19 Re: Banner across Main St. - FISU Women's Soccer

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico. -16.

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 20 Re: Banner across Main St. - Bank of Montreal

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico. -16.

NAYS: Alderman Copps. -1. **CARRIED.**

✻ ✻ ✻ ✻ ✻ ✻ ✻ ✻ ✻ ✻ ✻ ✻

Section 21 Re: Banner across Main St. - World Figure Skating Champions

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico. -16.

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 35

Re: CleanSoils Limited - Waste Disposal Site at Pier 26 - Hamilton Harbour East Port Development

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico. -16.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

<p>PARKS AND RECREATION COMMITTEE - SEVENTEENTH REPORT</p>

Re: Mohawk Sports Park and Bernie Arbour Stadium - sale of beer

It was moved by Alderman Jackson and seconded by Alderman Charters that Rule No. 8 of the City's Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution to rescind a previous resolution of City Council respecting a Zoning change at Mohawk Sports Park and Bernie Arbour Stadium which, if implemented, would allow for the sale of beer at this facility. **CARRIED.**

It was moved by Alderman Jackson and seconded by Alderman Charters that the following be added as section 22 of the Seventeenth Report of the Parks and Recreation Committee:

22. That Section 8 of the Eleventh Report for 1991 of the Parks and Recreation Committee adopted by City Council on 1991 May 14 respecting a Zoning change at Mohawk Sports Park and Bernie Arbour Stadium, "to allow any approved user to obtain a stadium licence to sell beer at the Bernie Arbour Stadium", be rescinded. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE - SIXTEENTH REPORT

Section 7(a) Re: Residential Underground Parking Study - Replacement of Appendix "A"

It was moved by Alderman Drury and seconded by Alderman Eisenberger that Appendix "A" of the Sixteenth Report of the Planning and Development Committee for 1992, as referred to in Section 7 (a), be replaced with Appendix "A" attached hereto as passed by the Planning and Development Committee at its meeting held 1992 September 23. **CARRIED.**

* * * * *

Section 14 Re: Carpenter Neighbourhood Plan - Upper Paradise Rd.

Alderman D'Amico declared personal interest, took no part in the debate and refrained from voting on this matter. Alderman D'Amico's father is a mortgage holder of this property.

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - EIGHTEENTH REPORT

**Section 33 Re: Leasing of Parking Lot owned by Theatre Aquarius Inc.
- Hamilton Parking Authority**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Charters, Jackson, Anderson, Ross, D'Amico. -14.

NAYS: Aldermen Copps, Eisenberger. -2.

CARRIED.

* * * * *

Section 36 Re: Use of HECFI/City Hall Facilities

It was moved by Alderman Drury and seconded by Alderman Morelli that Rule No. 8 of the City's Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the use of City Hall and/or HECFI facilities.

CARRIED.

Section 36 Re: Use of HECFI/City Hall Facilities

It was moved by Alderman Drury and seconded by Alderman Morelli that the following resolution be added to the Eighteenth Report of the Finance and Administration Committee for 1992 as Section 36:

36. That the City allow the registered "YES" and the registered "NO" Committees in the upcoming Referendum on the Constitution, the free use of HECFI or City Hall facilities on a once only basis to conduct information meetings and/or rallies."

CARRIED.

Section 36 Re: Use of HECFI/City Hall Facilities

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 36 of the Eighteenth Report of the Finance and Administration Committee be amended by deleting in the third line "HECFI or" and by adding the following after the word "rallies" in the fourth line "and further that HECFI be requested to grant similar approvals for the use of its facilities" and further that the words "on a once only basis" in the third and fourth line be deleted.

CARRIED.

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - NINETEENTH REPORT

Re: Meeting with area M.P.'s and M.P.P.'s to discuss the current economic problems

It was moved by Alderman Agostino and seconded by Alderman D'Amico that Rule No. 8 of the City's Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a meeting of all area M.P.'s and M.P.P.'s to discuss the current economic problems. **CARRIED.**

It was moved by Alderman Agostino and seconded by Alderman D'Amico that the following be added as Section 14 of the Nineteenth Report of the Finance and Administration Committee:

14. (a) That City Council request an emergency meeting of all area M.P.'s and M.P.P.'s, to meet with City Council in order to discuss the current economic problems in our community,
- (b) That City Council form a Mayor's Task Force on the economy and that this Task Force report back to City Council within ninety days with specific recommendations for short term and long term initiatives to revitalize the economy of Hamilton and surrounding areas;
- (c) That this Task Force be comprised of Business Leaders, Union Leaders and Citizen Members and, that Mayor Morrow be Chairman of this Task Force.

CARRIED.

COMMITTEE OF THE WHOLE - FOURTH REPORT

* * * * *

RESOLUTIONS

Re: David Christopherson's appointment to Cabinet Minister

It was moved by Alderman Wilson and seconded by Alderman Copps that Rule No. 8 of the Procedural By-law 82-203 be invoked for this meeting of City Council to permit consideration of a resolution respecting David Christopherson's elevation to Cabinet Minister.
CARRIED.

It was moved by Alderman Wilson and seconded by Alderman Copps that City Council convey formal congratulations to David Christopherson, M.P.P. on his appointment as Minister of Correctional Services.
CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Cooke that Alderman F. D'Amico be appointed as Acting Mayor for the month of October, 1992.
CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Cooke that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Committee of the Whole, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Anderson, Ross, D'Amico. -16.

NAYS: -0.

CARRIED.

* * * * *

NOTICE OF MOTION

Alderman Eisenberger gave notice that he would move the following motion at the next regular City Council meeting:

"That City Council support the application of H.E.C.F.I. to the L.L.B.O. for the sale of liquor in the tiered seating area of Copps Coliseum."

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Cooke that the following Bills be now read a first time:

A-68, A-69, A-70, A-71, A-72, A-73, A-74, A-75, A-76, A-77.

C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100, C-101, C-102, C-103, C-104, C-105, C-106.

H-61, H-62.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Cooke that Council move into Committee of the Whole to consider the following Bills, with Alderman Agro in the chair. (second reading).

A-68, A-69, A-70, A-71, A-72, A-73, A-74, A-75, A-76, A-77.

C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100, C-101, C-102, C-103, C-104, C-105, C-106.

H-61, H-62.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

A-68, A-69, A-70, A-71, A-72, A-73, A-74, A-75, A-76, A-77.

C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100, C-101, C-102, C-103, C-104, C-105, C-106.

H-61, H-62.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Cooke that the Report of the Committee of the Whole on the following Bills, be adopted. -

A-68, A-69, A-70, A-71, A-72, A-73, A-74, A-75, A-76, A-77.

C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100, C-101, C-102, C-103, C-104, C-105, C-106.

H-61, H-62.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Cooke that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-68, A-69, A-70, A-71, A-72, A-73, A-74, A-75, A-76, A-77.

C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100, C-101, C-102, C-103, C-104, C-105, C-106.

H-61, H-62.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:20 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1992 September 29

1992 October 6

Minutes of Hamilton City Council
Tuesday, 1992 October 6
7:00 o'clock p.m.
Room 233, City Hall

The Council met.

Present: Mayor R. M. Morrow
Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino,
Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross.

Absent: Alderman Wm. McCulloch - City Business

The purpose of this meeting was to consider the Report from the Chief Administrative Officer and the Director of Property respecting Caretaking Services at Recreation Centres.

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Fifth Report of the City Council Committee of the Whole be now considered in Committee of the Whole.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Fifth Report of the City Council Committee of the Whole, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Cooke that Bill No. H-63 be now read a first time.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider Bill No. H-63.

* * * * *

Consideration of Bill No. H-63 (second reading)

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on Bill No. H-63 be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Bill No. H-63 be now read a third time, signed, sealed and enrolled as a by-law.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 7:05 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz
City Clerk

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Committee of the Whole presents its **FIFTH** Report for 1992 and respectfully recommends:

1. (a) Recognizing that the Hamilton Board of Education is in the midst of a legal labour dispute, that the services of Sunshine Building Maintenance and Alpha Cleaning Services not be retained with an effective date of October 5, 1992;
- (b) That the contracts approved by City Council on June 30, 1992 for the provision of janitorial services by Alpha Cleaning Services and Sunshine Building Maintenance at various recreation centres be awarded effective January 1, 1993 at which time the current arrangement with the Board of Education will be terminated, on the condition that the current strike of the Board of Education caretaking and cleaning staff has ended.
- (c) That the present arrangements between the City of Hamilton and the Board of Education for the provision of janitorial services at eight (8) school attached recreation centres be continued until January 1, 1993.
- (d) That in the event the strike referred to in (b) above has not ended, the commencement date for the award of the contracts will be on a date which is coincident with the Union and the Board of Education ratification of a Collective Agreement, an end to the current strike of caretaking and cleaning staff and a return to work of the affected employees.
- (e) That this resolution be forwarded to the Board of Education for the City of Hamilton.

2. That leave be granted to introduce the following Bill:

(a) Bill H-63: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

Respectfully submitted,

**MAYOR R. M. MORROW, CHAIRPERSON
COMMITTEE OF THE WHOLE**

J. J. Schatz, City Clerk
1992 October 6

CORRESPONDENCE

Correspondence:

1. Application dated 1992 October 1 from Citsalp Industrial Plastics Ltd., Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at No. 331 Hunter Street West, Hamilton, Ontario.

Recommendation: Be Received.

2. Application dated 1992 October 1 from Emilia Fazekas, Angelo Nardi, Quinn Staunitzky, Hamilton, Ontario for a modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District for property at 280 Aberdeen Avenue, Hamilton, Ontario.

Recommendation: Be Received.

3. Application dated 1992 October 1 from Hazell Ross-Iampietro (Clar Del Retirement Home), Hamilton, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District for property located at 195 Delaware Avenue, Hamilton, Ontario.

Recommendation: Be Received.

1992 October 13

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **EIGHTEENTH** Report for 1992 and respectfully recommends:

1. That the City convey to the abutting owner Julie Serebrianski, 414 Upper Wentworth Street, Part 1, Registered Plan 62R-11955, (former Inverness School site) having a frontage of 0.4 metre (1.31 feet) more or less, along with westerly road limit of Upper Wentworth Street, by a depth of 43.411 metres (142.424 feet) more or less, and comprising a total area of 17.364 square metres (186.91 square feet) more or less, for \$1.00 to be credited to Account No. CH5X303 00102 (Reserve for Property Purchases), as this remnant land is surplus to municipal requirements and not suitable for development.
2. That actions taken under Emergency Purchasing Policy be ratified and a purchase order be issued to Italia Design Collection, Toronto, in the amount of \$96,308. plus applicable taxes, for the supply, delivery and installation of furniture at Sackville Hill Seniors' Recreation Centre, being the lowest acceptable of five tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.
3. (a) That action taken under the Emergency Purchasing Policy be ratified and a purchase order be issued to Lordly Jones, division of Danbury Sales Ltd., Hamilton, in the amount of \$55,761. plus applicable taxes, for the supply, delivery and installation of lounge and office furniture at Sackville Hill Seniors' Recreation Centre, being the lowest acceptable of seven tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

(b) That the purchase order issued to Lordly Jones, division of Danbury Sales Ltd., Hamilton, under sub-section (a) above, be increased by \$11,727. for a total purchase order of \$67,488., plus applicable taxes.

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4. (a) That the City of Hamilton assist the Kinsmen Club and the Hamilton Conservation Authority by funding \$10,000. on an interim basis until 1993, if the Conservation Authority is unable to finance the \$10,000. on an interim basis.
- (b) That the Finance and Administration Committee recommend the method of financing.
- (c) That the Hamilton Conservation Authority be requested to relocate the location of the creative playground equipment as suggested by the Ministry of Tourism and Recreation so that it serves a community need and thereby can be considered eligible for provincial subsidy.
- (d) That the Hamilton Conservation Authority reimburse the City of Hamilton \$10,000. after the subsidy is received by the Province of Ontario.
- (e) That, upon approval, the City Clerk forward this resolution to the Hamilton Conservation Authority.

Respectfully Submitted,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

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REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTEENTH** Report for 1992 and respectfully recommends:

1. A. That approval be given to City Initiative 91-G, for a general text amendment to Zoning By-law No. 6593, to implement the "Housing Intensification Strategy" respecting residential conversions, as adopted by City Council on 1991 June 25 on the following basis:
 - (a) That Section 2.(2)A.(iv) of Zoning By-law No. 6593 be deleted in its entirety;
 - (b) That Section 7A(1)(a) of Zoning By-law No. 6593 be amended by deleting "(ii)," so that the clause shall read as follows:

"as provided in clauses 8(1)(i) and (iia);"
 - (c) That the following subclauses of Zoning By-law No. 6593 be deleted in their entirety:
 - (i) Section 8(1)(ii);
 - (ii) Section 9.(1)(ii);
 - (iii) Section 10.(1)(iv);
 - (iv) Section 10A(1)(iii);
 - (v) Section 10B(1)(iv);
 - (vi) Section 10C(1)(iv);
 - (vii) Section 11.(1)(ii); and,
 - (viii) Section 11B(1)(iv);
 - (d) That Section 10A(3)(ii)(a) of Zoning By-law No. 6593 be amended by deleting "or converted dwelling" so that the clause shall read as follows:

"for a single-family dwelling as permitted in a "C" District, a side yard along each side lot line of a width of at least 1.2 metres (3.94 feet);"

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- (e) That Section 10A(3)(ii)(b) of Zoning By-law No. 6593 be amended by adding "or" between the words "dwellings, a" in the second line and deleting "or a converted dwelling" in the third line so that the clause shall read as follows:

"for a two family dwelling except a pair of semi-detached single family dwellings, or a three-family dwelling, a side yard along one side lot line of a width of at least 3 metres (9.84 feet),....."

- (f) That Sections 14(1a), (1b) and (1c) of Zoning By-law No. 6593 be deleted in their entirety;
- (g) That Section 19 of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following:

"Section 19 - Residential Conversion Requirements

19(1) "AA", "B", "B-1", "B-2", "C", "D" and "R-2" Districts

Notwithstanding anything contained in this By-law, any single-family detached dwelling in an "AA" (Agricultural), "B" (Suburban Agriculture and Residential, etc.), "B-1" (Suburban Agriculture and Residential, etc.), "B-2" (Suburban Residential), "C" (Urban Protected Residential, etc.), "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) and "R-2" (Urban Protected Residential - One and Two-Family Dwellings) Districts may be converted to contain not more than two dwelling units, provided all the following requirements are complied with:

- (i) each dwelling unit has a floor area of at least 65 square metres (699.65 square feet), contained within the unit and having a minimum clear height of 2.1 m (6.9 ft.), but excluding the area of the cellar, if any, and of any porch, verandah or other such space which cannot lawfully be used as living quarters;

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- (ii) the applicable zoning district regulations for a single-family detached dwelling shall apply, except the minimum lot area shall be 270 m²;
- (iii) except as permitted in clause iv), the external appearance and character of the dwelling shall be preserved;
- (iv) there shall be no outside stairway other than an exterior exit;
- (v) parking spaces, access driveways and manoeuvring space shall be provided in accordance with Section 18A, except that parking for only one of the dwelling units may be provided in accordance with the following special provisions:

Location

- (1) it may be located in a required front yard provided that the required area for parking shall not occupy more than 50% of the gross area of the front yard;
- (2) not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials; and,
- (3) manoeuvring for the parking space may be permitted off-site.

19(2) "DE", "DE-2", "DE-3", "E", "E-1", "E-2" and "E-3" Districts

Notwithstanding anything contained in this By-law, any dwelling in a "DE" (Low Density Multiple

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Dwellings), "DE-2" (Multiple Dwellings), "DE-3" (Multiple Dwellings), "E" (Multiple Dwellings, Lodges, Clubs, etc.), "E-1" (Multiple Dwellings, Lodges, Clubs, etc.), "E-2" (Multiple Dwellings) and "E-3" (High Density Multiple Dwellings) Districts may be converted to provide two dwelling units or more, provided all the following requirements are complied with:

- (i) each dwelling unit has a floor area of at least 65 square metres (699.65 square feet), contained within the unit and having a minimum clear height of 2.1 m (6.9 ft.), but excluding the area of the cellar, if any, and of any porch, verandah or other such space which cannot lawfully be used as living quarters;
- (ii) except as permitted in clause iii), the external appearance and character of the dwelling shall be preserved;
- (iii) there shall be no outside stairway other than an exterior exit;
- (iv) the yard requirements of the applicable zoning district in which the residential building is located shall apply to any extensions or enlargements;
- (v) the following lot area requirements shall apply:
 - (1) a minimum lot area of 270 m² shall be provided and maintained for one to three dwelling units;
 - (2) a minimum lot area of 450 m², but not less than 65 m² of lot area per dwelling unit, shall be provided and maintained for more than three dwelling units;
- (vi) parking spaces, access driveways and manoeuvring space shall be provided in accordance with Section 18A, except that parking for only one of the dwelling units may be

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provided in accordance with the following special provisions:

Location

- (1) it may be located in a required front yard provided that the required area for parking shall not occupy more than 50% of the gross area of the front yard;
- (2) not less than 50% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials; and,
- (3) manoeuvring for the parking space may be permitted off-site.

19(3)

"H" Districts

- (i) Notwithstanding any other provisions of this by-law, any building or part thereof, existing on the 8th day of March, 1983 within a "H" (Community Shopping and Commercial, etc.) District, may be converted to contain not more than ten dwelling units;
- (ii) The average of the floor areas, of all dwelling units referred to in clause i), shall be at least 65 square metres in area;
- (iii) Every building converted in accordance with clause i) shall either:
 - (1) be situated on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a building converted or as may be converted in accordance with clause i); or,

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- (2) maintain the ground floor for commercial uses and provide parking in accordance with the provisions of Section 18A.
- (h) That Section 18A(14) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following:
 - "18A.(14a) Except for single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, no part of arequired parking area in a residential district shall be located in a front yard.
 - (14b) For single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, required parking may be provided and maintained in the front yard provided that:
 - (i) the required area for parking shall not occupy more than 50% of the gross area of the front yard; and,
 - (ii) not less than 50% of the gross area of the front yard shall used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials."
- (i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (j) That the proposed changes to the Zoning By-law are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the Transport and Environment Committee and the Transportation Services Committee be requested to amend their respective By-laws to require a minimum of 50% of the area used for residential boulevard parking be provided and maintained as a landscaped area.
- 2.
 - (a) That the Urban Design Committee be circulated on major future municipal initiated projects dealing with Urban design matters in order to review and comment on terms of reference for projects; and
 - (b) That these be forwarded to Committees of Council and City departments

3. That Hamilton City Council direct the Mayor to write to the Minister of Housing requesting the Provincial Government provide additional funding for the Ontario Home Renewal Programme - Disabled for the current fiscal year ending 1993 March 31.
4. That approval be given to Zoning Application 92-28, Alexander Stoller and Enzo Didiodato, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of four (4) lots for single-family dwellings, for the property located at 255 Rymal Road East, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-18D for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
5.
 - (a) That approval be given to Official Plan Amendment No. 119 to establish a Special Policy Area to limit the types of Commercial uses and to ensure development is in keeping with the character of the existing buildings in the area, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
 - (b) That approval be given to Zoning Application 92-10, John Foss, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District to permit limited commercial uses, for the property located at 113 Charles Street, as shown the attached map marked as Appendix "B", on the following basis:
 - (i) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (1) That notwithstanding Section 11C(1) of By-law No. 6593, the following commercial uses shall be permitted:
 - (a) professional and medical offices;

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- (b) art gallery;
 - (c) bookstore;
 - (d) opticians' offices;
 - (e) optometrists' establishments; and,
 - (f) photographer's or artist's studio;
- (2) That notwithstanding Section 11C(1) of By-law No. 6593, the following accessory use to the commercial uses referred to in subclause a), shall be permitted:
- (a) One business identification sign that is a ground sign, wall sign or projecting sign that complies with all of the following requirements;
 - (i) The area of the sign shall not exceed 0.4 m²;
 - (ii) The sign shall be non-illuminated or illuminated by non-flashing, indirect, or interior means only;
 - (iii) No sign shall be situated less than 1.2 m from the nearest street line;
- (3) That notwithstanding Section 11C(1a) of By-law No. 6593, the height of a building or structure shall not exceed two (2) storeys, or 9.1 m (30.0') in height;
- (4) That notwithstanding Section 11C(2) of By-law No. 6593, the following yards shall be provided and maintained:
- (a) a front yard of a depth of at least 3.0 m (9.84');
 - (b) a side yard along each side lot line, of a width of at least 1.2 m (3.94');
 - (c) a rear yard of a depth of at least 7.5 m (24.61');
- (5) That notwithstanding Section 18A, no required parking and no non-required parking shall be permitted in the front yard;
- (6) The outside display of goods or wares shall be prohibited for the commercial uses;

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1288, and that the subject lands on Zoning District Map W-5 be notated S-1288;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council;
 - (iv) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 119 by the Regional Municipality of Hamilton-Wentworth; and,
 - (v) That the approved Durand Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Commercial and Apartments".
6. A. That approval be given to Official Plan Amendment No. 118 to delete the lands from Special Policy Area 48 and to establish a new Special Policy Area to limit the types of Commercial uses, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to Zoning Application 92-16, Landawn Shopping Centres (National) Limited, owner, requesting a further modification in zoning to the "HH" (Restricted Community Shopping and Commercial) District modified, to permit the construction of a one storey, commercial retail complex, for the lands located at 350 Centennial Parkway North, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That By-law No. 90-29 be repealed in its entirety;
 - (b) That the subject lands be rezoned from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (c) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 90-29, applicable to the subject lands, be further modified to include the following variances as special requirements:

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- (i) That notwithstanding Section 14A(1), only the following commercial uses shall be permitted:
 - (1) Gas Bar;
 - (2) Building Supply Store (Lumber Yard);
 - (3) Restaurant;
 - (4) Bank;
 - (5) Lawn and Garden Centre;
 - (6) Retail Store;
 - (7) Wholesale Establishment;
 - (8) Shoe Repair Shop;
 - (9) Barbershop, hairdressing establishment or beauty parlour; and,
 - (10) Signs in accordance with the "HH" District provisions.
- (ii) That notwithstanding Section 14A, outside storage used in conjunction with a permitted use shall be permitted subject to the following:
 - (1) A visual barrier not less than 1.5 m and not more than 2.0 m in height shall be provided and maintained along the westerly boundary and 20 m along the southerly boundary contiguous to the westerly boundary.
 - (2) The total area of the outside storage shall not exceed 15% of the total lot area.
- (iii) A maximum gross floor area of 12,077 m² (130,000 S.F.) shall be permitted;
- (iv) That a minimum 3.0 m wide landscape strip shall be provided and maintained along the lot line adjoining Centennial Parkway, except for any area used for access driveway(s).
- (v) That notwithstanding Section 14A(3)(b) a sideyard having a width of at least 30.0 m shall be provided and maintained along the northerly lot line;
- (vi) That a chain-link fence not less than 1.8 m in height shall be provided and maintained along the northerly property line.

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1155a, and that the subject lands on Zoning District Map E-113 be notated S-1155a;
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council;
 - (f) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 118 by the Regional Municipality of Hamilton-Wentworth.
7. A. That approval be given to Rental Housing Protection Act Application CD-92-001, Oswald Delkus, principal of registered owner, 542052 Ontario Limited, for conversion of 21 rental residential units to 21 residential condominium units at 515 Main Street East, Hamilton, as the proposed development will not adversely affect the supply of affordable rental housing in Hamilton, provided the owner fulfills the following conditions:
- (a) That the applicant offer to the remaining tenants in the three bedroom unit known as Apartment No. 3, namely Mr. Robert Balansche and

Mrs. Ruth Balansche, the opportunity to continue renting their unit for as long as they wish, at the rent rate now paid, namely \$357.00 per month, provided that such rent shall not be increased by reason of the alterations to convert the building to a condominium, but that the rent may be increased as otherwise permitted at law;
 - (b) That the applicant also offer the present tenants, namely Mr. and Mrs. Balansche, the option to purchase their unit, Apartment No. 3, within three years of registration of the new condominium, at a price to be negotiated not in excess of \$55,000.00 (fifty-five thousand dollars); and,
 - (c) That the owner agree to cause the new condominium corporation to enter into an agreement with the City to assume these obligations;
 - (d) That the applicant be requested to prepare an Approval Agreement incorporating the conditions of approval, in a form satisfactory to the Director of Local Planning and the City Solicitor. This Agreement is to be executed by the Mayor and City Clerk.

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- B. That the City Clerk execute the Certificate of Approval in a form satisfactory to the City Solicitor, pursuant to Section 13(8) of the Rental Housing Protection Act, 1989 after the owner's Agreement incorporating the conditions of approval has been registered on title to 515 Main Street East by the owner.
8. (a) That a Lease with Philip Enterprises Inc., for the rental of the vacant lots at 391, 393, 397, 399 and 401 Sherman Avenue North, and 17, 19, 21, 23, 25, 27, 29 and 31 Gerrard Street, comprising of a total area of 2,376.2 square metres (25,579 square feet) more or less, commencing on 1992 November 1 on a month to month basis, at a rental rate of \$640 per month plus realty taxes estimated at \$6,323 for 1992, be approved and completed, and rental proceeds be credited to Account Number CF 4501 308750001 (Rental Fees Enclave Clearance Program).
- (b) That Philip Enterprises Inc. shall agree to insure the City for an amount of liability not less than the sum of \$2,000,000 with the insurance policy to include a cross liability clause.
- (c) That Philip Enterprises Inc. shall at its own expense undertake to gravel the leased property, creating a stable base upon which the parking of trucks is possible, and to construct driveway ramps along the northerly and westerly limits of the leased property.
- (d) That Philip Enterprises Inc. shall be responsible for the repair of any damage to the sidewalks abutting the leased property that arises as a result of truck traffic gaining ingress and egress to and from the leased premises.
- (e) That Philip Enterprises Inc. shall at its own costs be solely responsible for the removal and disposal of any and all materials that are deposited on the leased premises during the term of the lease as a result of Philip Enterprises Inc. use of the property.
- (f) That the Mayor and City Clerk be authorized and directed to execute a Lease Agreement in a form satisfactory to the City Solicitor.
9. That the Building Commissioner be authorized to issue demolition permits for the following properties:
- (a) 36 Cliff Avenue
- (b) 127-129 Bay Street North

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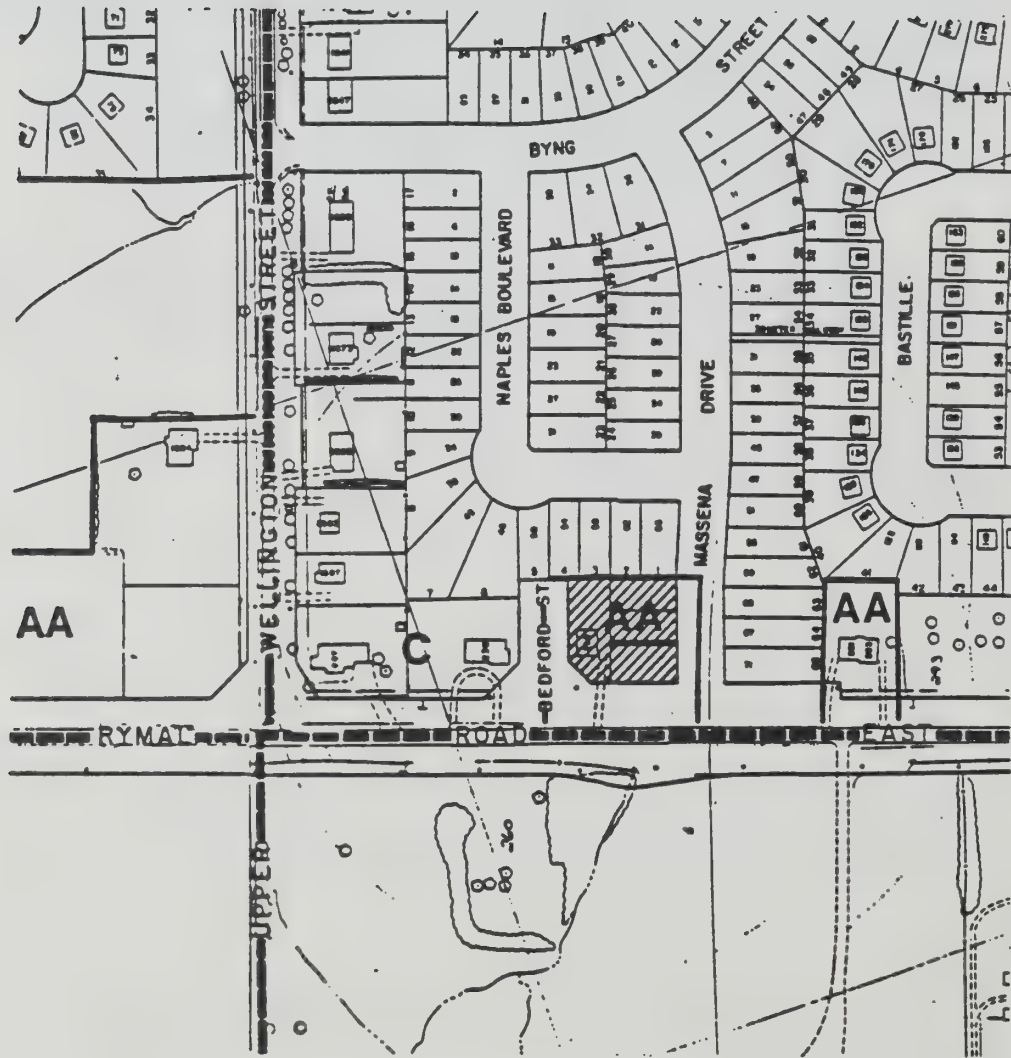
10. That a Commercial Facade Loan in the amount of ten thousand, six hundred and forty seven dollars (\$10,647) be approved for Greta Munt, 252 Ottawa Street North, Hamilton. The interest rate will be 3 1/8 percent, amortized over 10 years.
11. That leave be granted to introduce the following Bills:
 - (a) Bill C-107 A By-law to establish Site Plan Control respecting land located at Municipal Nos. 125 Napier Street and 55 Queen Street North

Respectfully submitted,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE

Tina Agnello
Secretary
1992 October 7

1992 October 13 Appendix "A" referred to in
Section 4 of the Seventeenth
Report of the Planning and
Development Committee for 1992



Legend

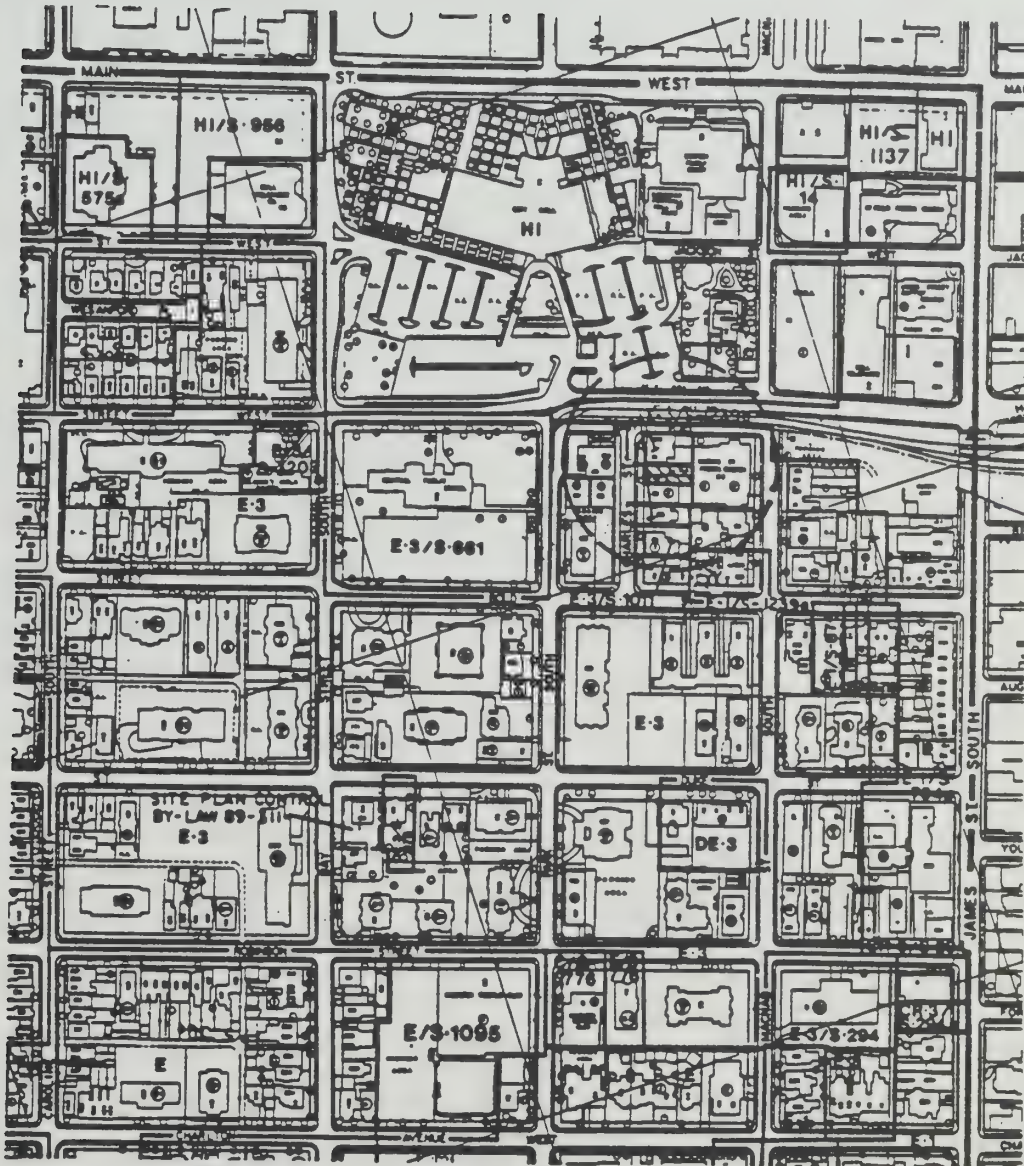


Site of the Application



24-00-00

1992 October 13 Appendix "B" referred to in
Section 5(b) of the Seventeenth
Report of the Planning and
Development Committee for 1992



Legend



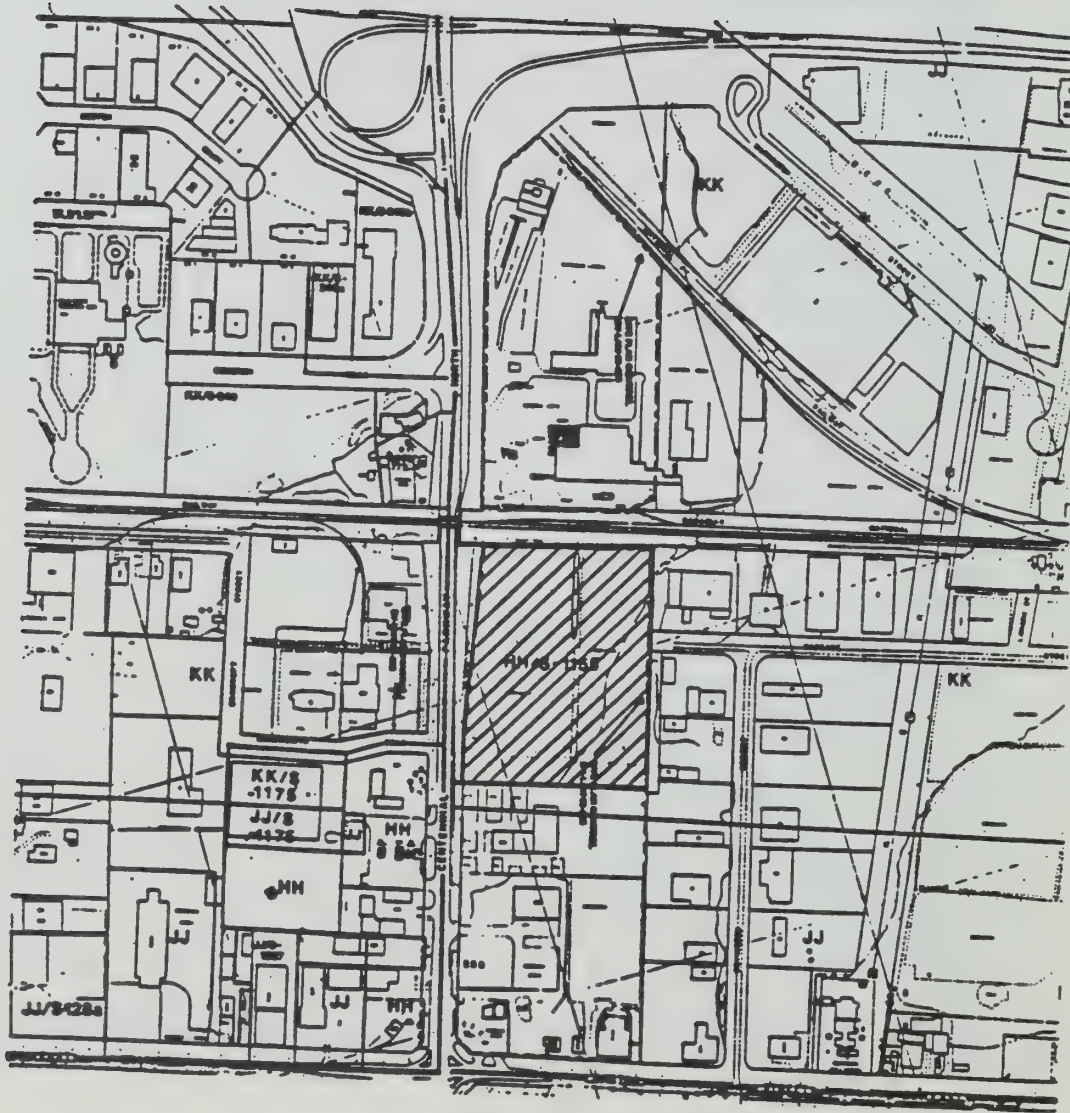
Site of the Application



ZA-02-10

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Appendix "C" referred to in
Section 6B of the Seventeenth
Report of the Planning and
Development Committee for 1992



Legend



Site of the Application



ZA-82-16

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REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTIETH** Report for 1992 and respectfully recommends:

1. That the City Treasurer be authorized to establish the necessary procedures in order to receive donations and issue municipal income tax receipts in support of the Paddy Cline\Claude Saunders Leander Boat Club Trust Fund.
2. (a) That approval be given for the hosting of an Edmund C. Bovey Clinic and Ontario Regional Meeting to be held in the Council Chambers, City Hall, on 1992 November 21 and 22; and
(b) That approval be given for a City contribution from the Special Civic Receptions and Delegation Hostings Account CH 55314 84010 for hosting purposes in the amount of \$3,000.
3. (a) That the City of Hamilton petition the Province of Ontario to consider adopting a Land Tax Deferral Program, similar to the program used by the City of Vancouver, in order to provide relief for those taxpayers experiencing financial difficulties, while still maintaining municipalities' necessary operating funds; and
(b) That the Information report from the Treasurer dated 1992 September 18th be forwarded with the request to the Province; and
(c) That the Association of Municipalities of Ontario be requested to support this petitioning.

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4. (a) That approval be given for the Lung Association of Hamilton-Wentworth to fly the Lung Association flag for one month to promote the Lung Association Christmas Seal Campaign; and
(b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
5. That the request of the Mayor's Race Relations Committee to use the Council Chambers to host a visit from the Assistant Deputy Minister of Citizenship, Ann Marie Stewart, on Wednesday, 1992 October 14 from 7:00 p.m. until approximately 10:00 p.m. be approved.
6. That approval be given to the Canada Employment and Immigration Union, Women's Branch, to use City meeting room numbers 233 and 264 for the purpose of a seminar/workshop presentation on "Violence Against Women" and the provision of daycare on Saturday, 1992 October 24 from 9:00 a.m. - 4:30 p.m. and Sunday, 1992 October 25 from 9:00 a.m. - 2:00 p.m.
7. (a) That a purchase order be issued to Armour Riley Inc., Risk Management Consultants, 6725 Airport Road, Suite 702, Mississauga, Ontario, to examine the operations of the City Departments, Local Boards, H. E. C. F. I. and City-owned Companies for insurance purposes at a cost not to exceed \$18,000. plus applicable taxes; and
(b) That this expenditure be charged to Account CH 53521 24108 - Insurance Premiums - Studies.
8. That the firm of H.M.T. Sales Tax Consultants Inc., of Ancaster, Ont., be appointed to perform a comprehensive audit of the City's payment records for sales tax rebates not recorded, with particular emphasis on the G.S.T., at a fee of 35% of any recovered unclaimed sales tax.

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9. (a) That Clause 8 (a) and (b) of the Public Library Lease Agreement be deleted as the City of Hamilton agrees to accept liability under the Primary Liability insurance policy of the City of Hamilton; and
- (b) That references to insurance in the Public Library Lease Agreement be amended to provide that:
 - (i) the Lessor shall include the Lessee as a named insured in the Lessor's Primary and Excess Liability insurance policies in such amounts and deductibles as may be determined from time to time by the Lessor in its sole discretion; and
 - (ii) the Lessee may, in its discretion, place liability insurance to insure all or part of the deductible of the City's primary liability policy and shall include the City as a named insured in any such insurance.
10. (a) That the City's policy permitting a deferral of payment of Development Charges for a three year maximum period (adopted 1991 May 28, Section 18, Eleventh Report, Finance and Administration Committee) be amended as follows:
 - (i) That partial discharges of registered Deferral Agreements be issued by the City upon payment of the applicable Development Charges.
 - (ii) That in addition to the present policy permitting payment of Development Charges to be deferred pursuant to a deferral agreement, registered on title to the development site, the City permit payment deferral pursuant to an unregistered deferral agreement provided the City receives a letter of credit (or equivalent financial security satisfactory to the City Treasurer) in the amount of the Development Charges being deferred (and estimated interest thereon for the three year deferral period).
 - (iii) That the form of the City's Development Charges Deferral Agreement, attached herewith and marked Appendix "A" be approved.

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- (b) That a policy permitting payment of Development Charges before issuance of a building permit be approved providing the owner enters into a Pre-payment Agreement.

Such Prepayment Agreement shall be in a form satisfactory to the City Solicitor and include the following provisions:

- (i) permitting payment of the Development Charge before a building permit is issued in relation to a building or structure;
- (ii) requiring the owner:
 - (1.) to pay the Development Charge in effect on the date it is payable under the Agreement;
 - (2.) to register the Agreement on title at its expense;
 - (3.) to make payment of the Development Charge immediately in the event the owner disposes the land prior to the payment due date in the Agreement;

- (c) That the following administrative fees be approved:

(i)	registered Deferral Agreements	\$500.
(ii)	registered Prepayment Agreements	\$100.
(iii)	unregistered Agreements	\$100.
(iv)	compliance report	\$ 25.
(v)	discharge	\$ 50.

11. That approval be given to enlist the Architectural and Engineering Services of Christina Kokosky Architect of Hamilton for the construction of the west exit stair extension extending from the 7th to the 8th floor of City Hall at a cost of \$8,000.

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12. That Smoking By-Law 80-258, Smoking in Public Areas and By-Law 89-370, Smoking in the Workplace be amended to provide for:
 - (a) A minimum symbol diameter of seven inches and a minimum letter size of 1/4 inch on all smoking control signs sold after 1993 January 1.
 - (b) All required signs to be posted at the entrance and exits of every premises regulated by the By-laws and also be conspicuously posted throughout the premises so as to be clearly visible from all parts of the premises.
 - (c) Any sign which complied with the requirements of the By-law prior to 1993 January 1, to continue to be used until the sign's condition requires the sign to be replaced.
13. (a) That a copy of the 1992 September 30 report of the City Treasurer regarding levy payments to the Boards of Education, be forwarded to the Boards of Education for their comments. (Copies of this report were distributed to members of the Finance and Administration Committee and are available from the Committee Secretary upon request.)
 - (b) That the Boards of Education be requested to provide their comments to the Finance and Administration Committee by the end of 1992 December.
14. For the information of the members of City Council, the Finance and Administration Committee have increased the membership of the Advisory Committee on Equitable Representation by one, and have appointed the Chairperson of the Mayor's Race Relations Committee's Commissions Sub-Committee, Mr. William Shaffir, to this Committee.
15. That as referred to in Section 4 of the Eighteenth Report of the Parks and Recreation Committee, the temporary financing required for creative playground equipment for Confederation Park in the amount of \$10,000. be funded from the Reserve for Capital Projects Account Centre No. CH00203.

1992 October 13

16. That the Memorandum of Implementation dated 1992 September 9, for a Joint Job Evaluation Programme between the Corporation of the City of Hamilton and the International Union of Operating Engineers Local 772 be approved and implemented in accordance with the terms therein.
17. That the Plaintiffs Offer to Settle in Ontario Court (General Division) Action No. DC4236\86, dated 1992 September 16th, not be accepted.
18. That leave be granted to introduce the following Bills:
 - (a) Bill H-64 A By-law to Amend By-law 80-258, As Amended Respecting Smoking in Public Areas and By-law 89-370 Respecting Smoking in the Workplace.
 - (b) Bill H-65 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN T. COOKE, ACTING CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1992 October 8**

Appendix "A" referred to in Section 10
of the Twentieth Report of the Finance
and Administration Committee for 1992.

THIS AGREEMENT made in quadruplicate dated , 19 .

B E T W E E N:

(hereinafter referred to as "Owner")

OF THE FIRST PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter referred to as "City")

OF THE SECOND PART

WHEREAS:

- A. The Province has enacted The Development Charges Act, R.S.O.1990, Chapter D.9 and Regulations thereunder which authorizes the City to enact a By-Law for the imposition of development charges against land under the circumstances outlined in the statute and pursuant to the provisions of the By-Law (hereinafter the said Act may be referred to as the "Act");
- B. The City has enacted as By-Law 90-074 a Development Charges By-Law amended by By-Law 92-171, copies of which the Owner acknowledges having received ;
- C. The Owner is the registered owner of land situate in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and Province of Ontario, known municipally as

and more particularly described in Schedule "A" attached hereto (the "Land") and the Owner has represented that all arrears of realty taxes on the Land have been paid;
- D. The owner intends to develop the Land and as a result thereof is required to pay the sum of \$ to the City in Development Charges prior to the issuance of the Building Permit;

E. The Development Charges Act includes the following provisions:

- 9(1) A development charge is payable on the date a Building Permit is issued in relation to a building or structure on land to which a development charge applies.
- 9(8) Despite subsection (1) and (3), a municipality may enter into an agreement with an owner providing for the payment of all or any portion of the development charge on dates later than the issuing of a Building Permit or the entering into of a subdivision agreement.
- 9(10) A municipality that has entered into an agreement under subsection (8) may charge interest, at a rate stipulated in the agreement, on that part of the development charge not paid in accordance with subsection (1).
- 12(1) If the development charge or any part thereof imposed by a municipality, other than an upper tier municipality, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.

G. The issuance of the Building Permit without the prior payment of the Development Charge is subject to the execution of this Agreement pursuant to which the Owner obliges itself to the following conditions including the covenant to pay the Development Charges as provided for herein and this Agreement is entered into pursuant to the Act to record these matters and to give Notice thereof to all persons intending to deal with the Land or any part thereof.

WITNESSETH THAT, in consideration of other good and valuable consideration and the sum of Two Dollars (\$2.00) of lawful money of Canada now paid by each of the parties hereto to the other of them (the receipt and sufficiency of which is by each of them hereby acknowledged), the Owner and the City hereby agree as follows:

1. (a) This Agreement applies to and binds the Owner's Land described in Schedule "A" annexed hereto.

(b) This Agreement is accepted and is acknowledged by the Owner to be an Agreement entered into by the Owner as a condition of the City granting the Owner under clause 9(8) of the Act a Building Permit subject to a postponement of the payment of Development Charges in accordance with the provisions of this Agreement.

(c) The City has calculated that the Development Charges payable by the owner relating to a development upon the Land is in the amount of \$.

(d) The Owner acknowledges and agrees that:

- (i) the said sum is the correct amount calculated, costed and fully adjusted of the Development Charges applicable to his current Building Permit application with the City for a development upon a portion of the Land. The Owner requests the City to issue the Building Permit and hereby promises to pay all of the said Development Charges with interest as provided for herein within three years of the date of this Agreement;
- (ii) the Development Charges referred to herein for payment by the Owner to the City are not all of the Development Charges that may become applicable to the Schedule "A" Land as there may be further Development Charges applicable to this Schedule "A" Land for other development that may take place thereon;
- (iii) he will not appeal to the City or in any other forum, the jurisdiction of the City to enact the Development Charges By-Law, the quantum of the charges or any other appeal thereof.
- (iv) no Building Permit respecting the Land will be issued until the building plans for the Land have been approved and this Agreement has been executed by the owner, registered on title to the Land and a duplicate registered copy thereof provided to the Building Commissioner, City Hall, P.O. Box 2040, 71 Main Street West, Hamilton, Ontario, L8N 3T4, together with the owner's Solicitor's Certificate in a form satisfactory to the Law Department certifying each of the foregoing steps have been fulfilled.
- (v) the Owner shall, within thirty-six (36) months of the date of this Agreement pay the Development Charges in full with interest to the City (hereinafter this payment date may be referred to as the "due date").
- (vi) the owner shall pay the said Development Charges as provided herein even if the development is not commenced, or if commenced is not completed within the said thirty-six month period.

2. (a) The Owner hereby acknowledges and agrees that in the event the Development Charges with accrued interest thereon are not paid on the due date, then in addition to any other remedy available to the City at law, the amount of Development Charges and interest accrued thereon unpaid shall be added to the tax roll (or tax rolls within which the Land described in Schedule "A" is comprised) and shall be collected as taxes.

(b) For greater certainty, the owner hereby declares that the Land in Schedule "A" is recorded under the following tax roll number(s). The City reserves the right to add the arrears to the said tax roll(s) and to any other tax roll which the City determines is also included within the Schedule "A" Land.

Number(s):

3. In consideration for and as a condition of the City's agreeing to allow the payment of the Development Charges to be postponed, the Owner for itself, its successors and assigns hereby covenants to the City that:

(a) it shall pay the Development Charges together with interest thereon calculated as follows. Interest shall be charged on the principal outstanding compounded monthly, based on the average prime lending rate as quoted by the City's banker on the first day of each month.

(b) Part payments of the Development Charge upon the execution of this Agreement and subsequent part payments shall be made during the three year period as detailed in Schedule "B" attached hereto.

(c) The Owner shall have the right to pay the Development Charges in whole or in part together with interest thereon at any time without notice.

4. The Owner will and hereby and herein does provide and permit the City its servants, agents and contractors, the license and its complete authority and direction subject to the provisions therefor set out in the Act, to enter upon and enjoy free access to the Land at any time without obstruction or any physical or legal or other impediment for the purpose of making or engaging in any inspection or examination, evaluation, review or discussion or action, or any other purpose related to the performance of the Agreement by the Owner, as the City may require or otherwise determine until the obligations set out herein are fulfilled.

5. (a) The Owner to whom a request in writing has been made by the City will, within the time limits specified by the City and to the full satisfaction of the City represented by its officials, at the sole risk, cost and expense of the Owner, remedy all non-compliance or potential non-compliance with this Agreement as may, in the sole opinion of the City exist or come into existence from time to time.

(b) The Owner will, within ten (10) days of the mailing of an invoice or demand for costs and expenses necessarily incurred by the City in enforcing compliance with this Agreement, pay to the City the full amount of such invoice or demand and the rate of interest set out therein until the date of payment.

(c) All fees, costs and expenses due, paid or incurred by the City under this Agreement shall constitute a charge upon the Land until fully discharged by payment and the same may, if unpaid, be entered upon the tax collector's roll against the said Land and be recovered in the same manner as municipal taxes, but without prejudice to any other right of the City to collect same.

6. (a) Nothing in this Agreement shall impose upon the City any duty or obligation to inspect or examine the Land for compliance or non-compliance or potential compliance or non-compliance by the Owner or to provide an opinion respecting any condition or to request or require compliance with the said conditions of this Agreement.

(b) The Owner agrees that it is its responsibility to obtain all necessary approvals and all necessary zoning for purposes of the alterations and use of the Land and that by entering into this Agreement the City is making no representation regarding same and the Owner acknowledges that nothing herein limits the City's discretion regarding same.

(c) The Owner will and herein does indemnify, save, defend and keep harmless from time to time and at all times, the City of, from and against all actions, causes of action, interest, claims, demands, cost, charges, damages, expenses and loss which the City may at any time bear, incur, be liable for, sustain or be put into for any reason or on account of or by reason of or in consequence of the City entering into this Agreement.

7. (a) The Owner shall register this Agreement at his expense against the Land in accordance with the provisions of The Registry Act or The Land Titles Act and provide a certified true copy to the Building Commissioner before a Building Permit is issued.

(b) The Owner acknowledges and agrees that the issuance by the City of a Building Permit does not mean that the development charges have been paid. Rather, the owner agrees that this Agreement has been entered into by it with the City to record and to confirm the continuing obligations of the Owner to pay the said Development Charges and to confirm that these conditions have been assumed by the Owner and are against the Land.

(c) The Owner acknowledges that it is realized that in addition to the Development Charges payable to the City that there may be Development Charges payable to The Regional Municipality of Hamilton-Wentworth or to a Board of Education.

(d) The Owner covenants and agrees that each and every covenant herein contained shall be binding upon the Owner of the Land described in Schedule "A" annexed hereto and upon each and every successor and assign.

8. (a) In this Agreement, where it states the Owner shall or the Owner will, it shall mean at the Owner's expense;

(b) In every clause of this Agreement, unless the contrary intention appears, words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one, and females as well as males and the converse, and a word interpreted in the singular number has a corresponding meaning when used in the plural;

(c) In the event that any portion of this Agreement is unenforceable, then such portion shall be severed and it is agreed that the balance of the Agreement shall remain in full force and effect.

(d) Notice to the City shall be addressed to Building Commissioner, P.O. Box 2040, 71 Main Street West, Hamilton, Ontario, L8N 3T4.

(e) Payments of the Development Charges and interest thereon provided for herein shall be payable to "The Corporation of the City of Hamilton" and mailed or delivered to Treasury Department, City Hall, P.O. Box 2040, 71 Main Street West, together with a covering memo clearly indicating the purpose of the payment.

(f) Notice to the Owner may be addressed to the Owner at:

9. Certificate of Discharge - Upon the payment in full of the Development Charges together with interest thereon, the City will execute a Certificate which when registered will release and discharge the Owner and the Land from this Agreement provided:

(a) the owner has its solicitor prepare, at the Owner's expense, the Certificate in a form satisfactory to the City incorporating a current legal description of all the Lands described in Schedule "A"; and

(b) the Owner's solicitor's Certificate is furnished at the expense of the Owner to the City in a form satisfactory to the Law Department to confirm that the Discharge has been prepared as required by the City and registered at the Owner's expense as required herein and a duplicate registered copy thereof has been provided to the Building Commissioner.

10. Notwithstanding any provision in this Agreement to the contrary the owner agrees that:

(a) in the event that the Land or part thereof in Schedule "A" is developed for or intended for residential purposes and offered for sale as a lot, a severed parcel or residential condominium unit, then, unless a discharge of this Agreement (or partial discharge of the applicable portion of land) has been registered, the full balance of unpaid Development Charges with interest thereon upon all of the Schedule "A" Land shall then become fully due and payable to the City.

(b) in the event the Owner becomes bankrupt (voluntarily or involuntarily) or becomes subject to any proceedings seeking litigation, re-arrangement or relief of creditors, or if any execution becomes enforceable against the Owner or the Schedule "A" Land, then the full balance of unpaid Development Charges with interest thereon upon all of the Schedule "A" Land shall then become fully due and payable to the City.

(c) in the event the Owner makes default in the payment of the Development Charges and interest thereon provided for herein (including in Schedule "B"), then the full balance of unpaid Development Charges with interest thereon upon all of the Schedule "A" Land shall then become fully due and payable to the City.

11. It is understood and agreed that there are no covenants, representations, agreements, or conditions in any way relating to the subject matter of this Agreement whether express or implied, collateral or otherwise, except those set forth herein.

12. Time shall be of the essence in all respects.

IN WITNESS WHEREOF the Owner has hereunto affixed its corporate seal under the hands of its proper signing officers, duly authorized in that behalf, and the City has hereunto affixed its corporate seal under the hands of its Mayor and City Clerk.

DATED this day of , 199 in the City of Hamilton.

_____ c/s

THE CORPORATION OF THE CITY OF HAMILTON

Mayor

_____ c/s

City Clerk

MOTIONS

M O T I O N

At the regular meeting of City Council held Tuesday, 1992 September 29, notice of the following motion was made by Alderman F. Eisenberger:

"That City Council support the application of H.E.C.F.I. to the L.L.B.O. for the sale of liquor in the tiered seating area of Copps Coliseum."

URBAN MUNICIPAL
GOV
RECEIVED DOCUMENTS

BILLS

CITY COUNCIL

1992 October 13

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NOS. 125 NAPIER STREET
AND 55 QUEEN STREET NORTH

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

143. Land located at Municipal Nos. 125 Napier Street and 55 Queen Street North, shown on Appendix 143 hereto annexed and forming part of this by-law.

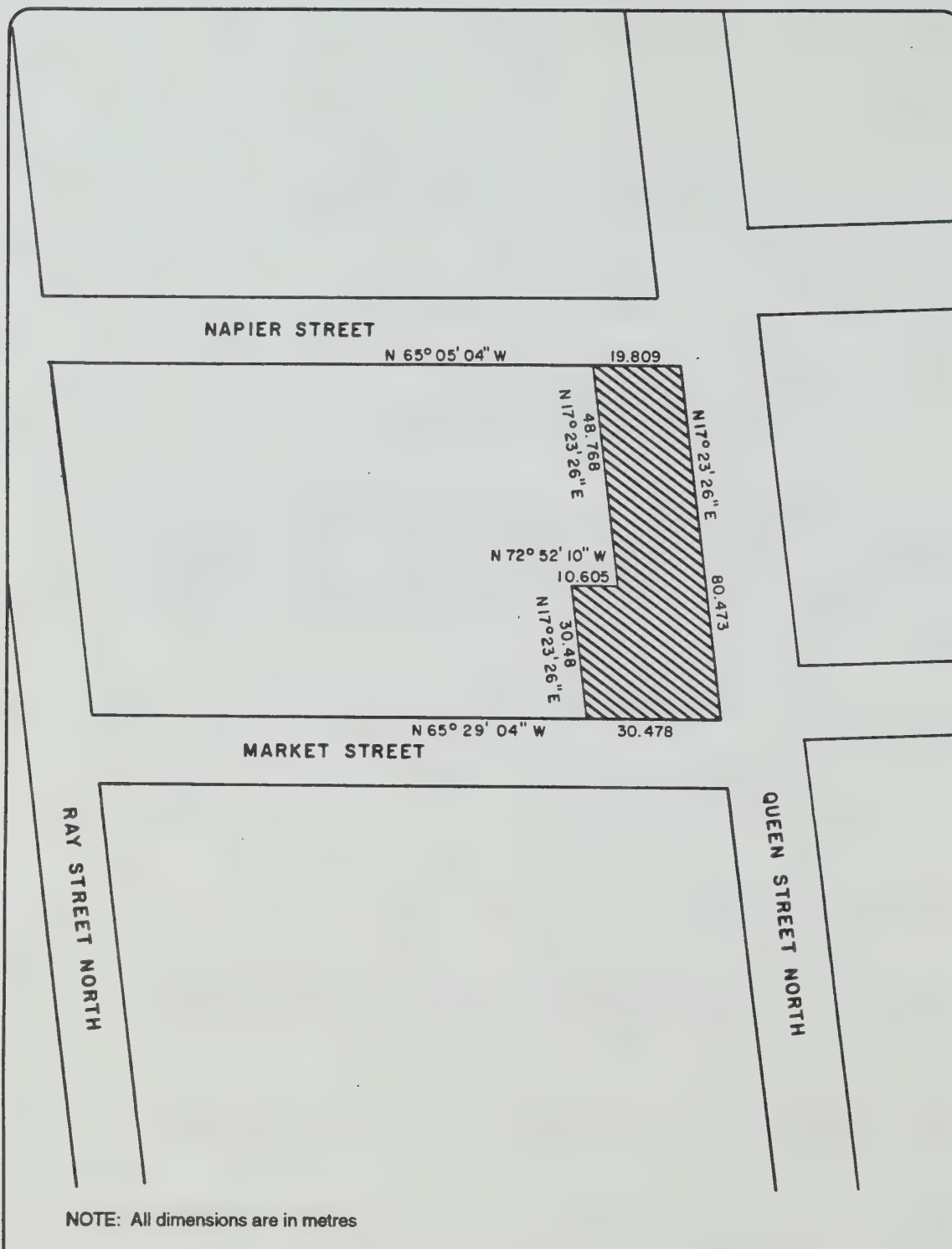
2. Appendix 143 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1992.

City Clerk

Mayor

Ontario Municipal Board Decision,
Dated August 17, 1992
Patran Limited Holdings, Owner
Amended ZA-90-21



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-
 Passed the day of ,1992.

.....
 Clerk

.....
 Mayor

City of Hamilton

Appendix 143 to By-Law No.79-275

as Amended by
 By-Law No.87-223

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



Lands Designated Under this By-Law
 as an area of Site Plan Control pursuant
 to Section 40 of the Planning Act.

North



Scale
 NOT TO SCALE

Reference File No.
 ZA90-21

Date
 SEPTEMBER 1992

Drawn By
 Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

By-law No. 80-258, as amended

Respecting:

SMOKING IN PUBLIC AREAS

and

By-law No. 89-370

Respecting:

SMOKING IN THE WORKPLACE

WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 12 of the 20th Report of the Finance and Administration Committee at its meeting held on the 13th day of October 1992, authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 4 of subsection 2 of Section 21, including Table 2 of By-law 80-258, is repealed and the following is substituted in lieu:

4. Consist of a symbol shown in paragraph 3, having a diameter not less than seven (7) inches.

2. By-law 80-258, as amended, is further amended by repealing the following subsections:

Subsection 2 of Section 3,
Subsection 4 of Section 3a,
Subsection 3 of Section 5,
Subsection 3 of Section 7,
Subsection 4 of Section 11(a).

3. By-law 80-258 is further amended by adding the following Section 8:

8. (1) Where this By-law requires a sign to be posted, the proprietor shall erect and maintain the signs in accordance with Section 20 of this By-law, indicating where smoking is prohibited.

(2) The signs required to be posted shall be posted by the proprietor at the entrance and exit of every premises regulated by this By-law and shall also be conspicuously posted throughout the premises so as to be clearly visible from all parts of the premises.

4. (1) Paragraph 4 of subsection 2 of Section 11, including Table 2, of By-law 89-370 is deleted and the following is substituted in lieu:

11. (2) 4. Consist of a symbol shown in paragraph 3, having a diameter of not less than seven (7) inches.

(2) Where an employer is required by this By-law to post or cause to be posted, signs in the workplace, the signs shall be conspicuously posted so as to be clearly visible from all parts of the workplace.

5. This By-law comes into force on January 1, 1993. Any sign which complied with the requirements of By-law 80-258 or By-law 89-370 prior to January 1, 1993, may continue to be used until the sign's condition requires the sign to be replaced.

PASSED this day of , A.D. 1992.

City Clerk

Mayor

(1992) 20 R.F.A.C. 12 , October 13

BY-LAW NO. 92 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 13TH DAY OF
OCTOBER A.D., 1992.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 13th day of October A.D. 1992

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1992

J.J. SCHATZ
CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

1992 October 23

NOTICE OF SPECIAL MEETING

**CITY COUNCIL MEETING
TUESDAY, 1992 OCTOBER 27
6:00 o'clock p.m.
Room 233, City Hall**

A handwritten signature in dark ink, appearing to read "J. J. Schatz".

**J. J. Schatz
City Clerk**

The purpose of this special meeting is to hear a presentation by Robert Cushing, Regional Assessment Commissioner, on the tax impact of Market Value Assessment on the City of Hamilton.

NOTE: Dinner will be provided in Room 264 at 5:30 o'clock p.m.

c.c.: J. Pavelka, Chief Administrative Officer
Management Team
Media

CA4 ON HBL A05
A31
1992



MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

Tuesday, 1992 October 27
7:30 o'clock p.m.
Council Chambers, City Hall

J. J. Schatz
City Clerk

AGENDA

1. *National Anthem*

2. *Opening Prayer*

Dr. B. Pathak
Hindu Samaj Temple

URBAN MUNICIPAL

OCT 27 1992

GOV 'MENT DOCUMENTS

3. *Presentations*

Certificate of Recognition - Ryan Paquette

4. *Proclamations*

- (a) *Enchantment Under the Sea (Mum Show) - 1992 October 31st to November 15th*
- (b) *Mohawk College Week - 1992 November 1st to 8th*
- (c) *Zonta International Day - 1992 November 8th - Mary Lou Emmett, President Elect, Hamilton I, Victoria Brown, President, Hamilton II*
- (d) *Diabetes Month - 1992 November*

5. *Minutes*

1992 October 13

6. *Petitions and Correspondence - (no petitions or correspondence received)*

7. *Reports of the Standing Committees*

(a) *Transport and Environment Committee*

(b) *Parks and Recreation Committee*

(c) *Planning and Development Committee*

(e) *Licensing Committee*

(h) *Finance and Administration Committee*

8. *Notices of Motion for Next Meeting*

9. *First Reading of the Bills*

10. *Second Reading of the Bills - Committee of the Whole*

11. *Third Reading of the Bills*

12. *Question Period*

13. *Adjournment*

MINUTES

Minutes of Hamilton City Council
1992 October 13
7:30 o'clock p.m.
Council Chamber

The Council met.

Present: Mayor Robert M. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Jackson, Charters, Anderson, Ross, D'Amico.

Absent: Alderman H. Merling - Vacation

City Council commenced with the playing of the National Anthem.

* * * * *

Pastor Frank Slobodnik of St. Gregory the Great (Slovenian) led Council in prayer.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Jude Johnson, Founder and Director of the Music, Art, Drama (M.A.D.) Creative Art School.

Mayor R. M. Morrow presented a Certificate of Recognition to Bruce Aikman, President of the Hamilton Minor Hockey Council who was chosen the first Canadian winner of the Investors' Group Sports Administrator of the Year.

Mr. Bob Philip presented a pair of sterling silver ceremonial scissors to Mayor R. M. Morrow which had been presented to Lloyd D. Jackson on the occasion of the opening of Greater Hamilton Shopping Centre on 1955 October 26.

* * * * *

Mayor R. M. Morrow proclaimed the following:

- (a) Child Abuse Prevention Month - 1992 October
- (b) Schizophrenia Awareness Month, 1992 October
- (c) Canadian Football Hall of Fame Week for the week of 1992 October 19 - 25.
- (d) Hamilton Public Library Week for the week of October 19 - 25.

* * * * *

The minutes of the meeting held 1992 September 29 and the special meeting held 1992 October 6 were adopted as circulated.

* * * * *

Correspondence:

1. Application dated 1992 October 1 from Citsalp Industrial Plastics Ltd., Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at No. 331 Hunter Street West, Hamilton, Ontario.

Received.

2. Application dated 1992 October 1 from Emilia Fazekas, Angelo Nardi, Quinn Staunitzky, Hamilton, Ontario for a modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District for property at 280 Aberdeen Avenue, Hamilton, Ontario.

Received.

3. Application dated 1992 October 1 from Hazell Ross-Iampietro (Clar Del Retirement Home), Hamilton, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District for property located at 195 Delaware Avenue, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee and the Nominating Committee be now considered in Committee of the Whole with Alderman Wilson in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. 16.

NAYS: -0.

CARRIED.

* * * * *

PARKS AND RECREATION COMMITTEE - EIGHTEENTH REPORT

PLANNING AND DEVELOPMENT COMMITTEE - SEVENTEENTH REPORT

Section 1. A. (g) Re: Residential Conversion Requirements for (Suburban Residential) "C" District only

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. - 15.

NAYS: Alderman Kiss. -1.

CARRIED.

* * * * *

Section 7 Re: Rental Housing Protection Act Application - 515 Main Street East

It was moved by Alderman Charters and seconded by Alderman Jackson that section 7 of the Seventeenth Report of the Planning and Development Committee be tabled.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - TWENTIETH REPORT

Section 8 Re: Comprehensive Audit for Sales Tax Rebates

It was moved by Alderman Ross and seconded by Alderman D'Amico that Section 8 of the Twentieth Report for 1992 of the Finance and Administration Committee respecting the appointment of Sales Tax Auditor's be deleted. **CARRIED.**

NOMINATING COMMITTEE - FOURTH REPORT

NOTICE OF MOTION FROM PREVIOUS MEETING

It was moved by Alderman Eisenberger and seconded by Alderman Cooke that City Council support the application of H.E.C.F.I. to the L.L.B.O. for the sale of liquor in the tiered seating area of Copps Coliseum.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Drury, Wilson, Eisenberger. -7.

NAYS: Aldermen Kiss, Morelli, Copps, Agostino, Charters, Jackson, Anderson, D'Amico, Ross. -9. **LOST.**

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Report of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Anderson, Ross, D'Amico. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

C-107.

H-64, H-65.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Anderson, Ross, D'Amico. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Wilson in the chair. (second reading).

C-107.

H-64, H-65.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Anderson, Ross, D'Amico. -16.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

C-107.

H-64, H-65.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted. -

C-107.

H-64, H-65.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Anderson, Ross, D'Amico. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

C-107.

H-64, H-65.

1992 October 13

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Anderson, Ross, D'Amico. -16.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:45 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1992 October 13

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **ELEVENTH** Report for 1992 and respectfully recommends:

1. (a) That the following City lands be incorporated into the street in order to complete the final street width or provide access and hook-ups to newly registered subdivision developments:

Upper Wentworth Street	Parts 5 and 13	Plan 62R-11311
Arrowhead Drive	Parts 1 and 14	Plan 62R-11311
Claudette Gate	Part 2	Plan 62R-12354

- (b) That the by-law to carry out the incorporation of the said lands into the foregoing street be enacted by City Council.
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.
2. (a) That the following City lands be incorporated into the street in order to complete the final street width or provide access and hook-ups to newly registered subdivision developments:

Highridge Avenue	Part 2	Plan 62R-9499
Ewen Road	Part 4	Plan 62R-11818
Rifle Range Road	Part 6	Plan 62R-11818

- (b) That the by-law to carry out the incorporation of the said lands into the foregoing street be enacted by City Council.
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.
3. (a) That By-law No. 82-177 be repealed and a new by-law for the closure and sale of the public walkway north of Larch Street be enacted by City Council.
- (b) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.

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4. That the applications to retain inadvertent encroachments at the locations attached hereto as Appendix "A" be approved during the pleasure of City Council provided:
 - (a) That the owners enter into agreements satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement the agreements.
 - (c) That the first year fees and subsequent annual fees as outlined in Appendix "A", be set for the encroachments.
5. That the application to retain an inadvertent encroachment at the location attached hereto as Appendix "B" be approved during the pleasure of City Council provided:
 - (a) That the owners enter into an agreement satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement the agreement.
 - (c) That the first year fee and subsequent annual fee as outlined in Appendix "B", be set for the encroachment.
6.
 - (a) That in accordance with By-law No. 89-72, Dofasco Incorporated be given an Annual Overload Permit for the year 1992 for one (1) single unit truck to travel upon Ottawa Street North, Industrial Drive and Burlington Street; and,
 - (b) That of the \$1,137. total carrying fee, 4% or \$45.48 be credited to City Account No. 25827011 (Overload Permit Fees) and that 96% or \$1,091.52 be credited to Regional Account No. 46025 301502 (Overload Agreements).

7. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of J. Moffatt, agent for the National Conference on Disaster Management (Regional Municipality of Hamilton-Wentworth, Chief Administrative Office, 119 King Street West, Hamilton) to display a promotional banner across Main Street West in front of City Hall from 1992 October 5 to 1992 October 12 with the following message:

**"3rd National Conference on Disaster Management, Hamilton
Convention Centre, October 20-23, 1992"**

8. That the application of L. Powell, agent for the Canadian Christian Festival (120 King Street West, Hamilton L8P 4V2) to display a promotional banner across Main Street West in front of City Hall from 1994 June 20 to 1994 June 27, be approved, with the following message:

"Canadian Christian Festival IV - Copps Coliseum June 23-26 - Sharing the Joy"

9. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of E. Hicken, agent for the Hamilton "Y" Harriers (R.R.#1, Canfield, Ontario) to temporarily close Jackson Street between Hughson Street and James Street from 11:30 a.m. to 2:30 p.m. on Sunday, 1992 November 1 subject to the following conditions:
- (a) That approval from the Regional Police Services be received;
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the Region and the City of Hamilton as an added insured party with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Regional Police Services;
 - (d) That all barricading be supplied by and at the expense of the applicant;
 - (e) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant;
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;

- (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
10. That the application of D. Carpenter, agent for the Downtown Hamilton B.I.A. (P.O. Box 91045, Effort Square Postal Outlet, Hamilton) to temporarily close Hughson Street South between King Street East and Main Street East from 7:00 a.m. to 5:00 p.m. on Saturday, 1992 October 31, be approved, subject to the following conditions:
- (a) That approval from the Regional Police Services be received;
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the Region and City of Hamilton as an added insured party with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Regional Police Services;
 - (d) That all barricading be supplied by and at the expense of the applicant;
 - (e) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant;
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

11. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated cost of services in:
- "EDAN HEIGHTS - PHASE 3" Hamilton**
City's Share \$2,250. Subdivider's Share \$ 45,299.82
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Edan Heights - Phase 3", Hamilton.
- (c) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered.
- (d) That in the event that the Owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement they should be allowed to do so at their own risk provided they enter into a standard agreement with the City of Hamilton for pre-servicing.
- (e) That the City's share for services in "Edan Heights - Phase 3, Hamilton (\$2,250.) be approved and that the Finance and Administration Committee recommend the source of funding for this project.
12. (a) That the portion of Section 8 of the Fourteenth Report of the Transport and Environment Committee for 1991 adopted by City Council at its meeting of 1991 October 8 which authorized the City to grant an easement to the Region over Parts 3 and 7 shown on Plan 62R-11417, be deleted.
- (b) That the City of Hamilton grant a 12.0 metre wide sewer easement to the Regional Municipality of Hamilton-Wentworth over City lands shown as Parts 2, 7, 9 and 10, on Plan 62R-12302 for \$1. in order to provide for sewer connections between Summerfield at the Orchards Subdivision to the west and Orchard Park Estates to the east and that the Mayor and City Clerk be authorized and directed to execute the necessary documents.
- (c) That the Director of Property be authorized and directed to prepare the necessary documents to transfer the sewer easement to the Region.

13. (a) That the Encroachment Agreement for 109 - 111 Pearl Street North registered as Instrument No. 4797810 C.D., be discharged.
- (b) That the Mayor and City Clerk be authorized and directed to execute the discharge documents for the Encroachment Agreement, registered as Instrument No. 4797810 C.D., and in a form satisfactory to the Law Department.
14. (a) That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the north side of Wildewood Avenue commencing at a point 101 feet east of Brentwood Drive and extending to a point 165 feet easterly therefrom; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
15. (a) That the "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the north side of Maplewood Avenue commencing at a point 148 feet west of Springer Avenue and extending to a point 90 feet easterly be relocated such that the regulation commences at a point 190 feet west of Springer Avenue and extends to a point 80 feet westerly therefrom; and
- (b) That in accordance with the request by the Hamilton Street Railway Company, the existing near side bus stop on the north side of Maplewood Avenue at Springer Avenue be relocated to a far side location; and
- (c) That the City Traffic By-law No. 89-72 be amended accordingly.
16. (a) That a "No Parking" regulation be implemented on the east side of Cochrane Road from Queenston Road to a point 216 feet southerly therefrom and a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side from Queenston Road to a point 194 feet southerly therefrom, in place of the existing "Alternate Side Parking" regulation; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

17. (a) That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the north side of Robert Street commencing at Cathcart Street and extending to a point 116 feet easterly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
18. (a) That a "Permit Parking" regulation be implemented on the north side of Tom Street commencing at a point 137 feet east of Dundurn Street North and extending to a point 16 feet easterly therefrom; and
(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Ercole Turco, 46 Tom Street; and
(c) That the City Traffic By-law No. 89-72 be amended accordingly.
19. That the Director of Traffic Services be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first eight eligible applicants residing in the apartment building at No. 78 Duke Street.
20. That the Director of Traffic Services be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first seven eligible applicants residing in the apartment building at No. 209 James Street North.
21. (a) That a "Permit Parking" regulation be implemented on the east side of Gibson Avenue commencing at a point 354 feet south of Barton Street East and extending to a point 19 feet southerly therefrom; and
(b) That a "Permit Parking" regulation be implemented on the west side of Gibson Avenue commencing at a point 360 feet south of Barton Street East and extending to a point 19 feet southerly therefrom; and
(c) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Catharine Winterburn, 149 Gibson Avenue.
(d) That the City Traffic By-law No. 89-72 be amended accordingly.

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22. (a) That the existing residential boulevard parking agreement registered as Instrument No. 10973 C.D. to the property at No. 248 Gibson Avenue be discharged, at the property owner's expense; and
- (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and
- (c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement to allow for three boulevard parking spaces.
23. (a) That a "No Stopping" regulation be implemented on the east side of David Avenue commencing at Fennell Avenue East and extending to a point 124 feet southerly therefrom; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
24. (a) That a "No Stopping" regulation be implemented on the west side of Organ Crescent, commencing at Fennell Avenue East and extending to a point 46 feet southerly therefrom; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
25. (a) That westbound traffic on Nightingale Street be required to stop for northbound and southbound traffic on Steven Street; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
26. (a) That northbound traffic on Ford Street be required to stop for eastbound and westbound traffic on Grove Street; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
27. (a) That three-way stop control be implemented at the intersection of Unsworth Drive and Lancing Drive/Hempstead Drive; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

28. That construction of independent concrete sidewalks on Upper Paradise Road west side from Stone Church Road to approximately 138 m southerly and Limeridge Road north side from 400 m east of Upper Wellington Street to approximately 127 m easterly not be proceeded with as sufficiently signed petitions have been received in accordance with Section 12 of the Local Improvement Act.
29. (a) That the estimated costs in the following local improvement projects, be increased:
 - i. Upper Paradise Road east side from Stone Church Road to 187 m southerly and from 86 m south of Skyview Drive to 83 m southerly - construction of independent concrete sidewalk. The increase in the approved City share from \$7,964. to \$27,964.
 - ii. Upper Kenilworth Avenue east side from Landron Avenue to Limeridge - construct concrete curb. The increase in the approved City share from \$46,100. to \$56,100.
 - iii. Limeridge Road south side from Upper Wellington Street to 263 m easterly and from 376 m east of Upper Wellington Street to 69 m easterly - construct independent concrete sidewalk. The increase in City share from \$25,588.80 to \$35,588.80.(b) That the Finance and Administration Committee be requested to recommend a source of funds for these increased costs.
30. (a) That purchase orders be issued to the following suppliers, being the lowest tenders received for the supply and delivery of screened sand, treated and untreated for the 1992 - 1993 winter season in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders:
 - i. Lakeview Sand & Gravel, Paris
Delivery only of treated sand in 22.5 tonne dump truck loads - \$14.51 per tonne including delivery
 - ii. TCG Materials Limited, Brantford
Pick up of treated sand - \$11.50 per tonne

Delivery of untreated sand in 22.5 tonne dump truck loads - \$7.50 per tonne including delivery

Pick up of untreated sand - \$4.20 per tonne
All taxes extra(b) That funds be provided from Stock Inventory Account No. CH56197 60999.

1992 October 27

31. (a) That purchase orders be issued to the following suppliers, being the lowest tenders received for the supply and delivery of sodium chloride for the 1992 - 1993 winter season in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders:
- i. Sifto Canada Inc.
Coarse crushed in 22.5 tonne dump truck loads - \$39.33 per tonne including all taxes and delivery
 - ii. Akzo Salt Ltd., Mississauga
Highway fine in 40 kg. bags - \$113.56 per tonne including all taxes and delivery
- (b) That funds be provided from Stock Inventory Account No. CH56197 60999.
32. (a) That the Chairman or his designate be authorized to attend the Ontario Good Roads Association 1993 Annual Conference, 1993 February 21 to February 24, Toronto, Ontario.
- (b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1992 Operating Budget.
33. (a) That the Chairman or his designate be authorized to attend the Pollution Prevention Exposition and Conference 1992 November 18 to November 20, Dallas, Texas.
- (b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1992 Operating Budget.

34. (a) That part of the property at 631 Rymal Road West required for implementation of the amended Carpenter Neighbourhood Plan, be acquired through expropriation and that the City Solicitor be directed to take the appropriate action.
- (b) That the City Clerk be authorized and directed to:
- i. Give notice of the City's application as expropriating authority, to all owners, registered owners and tenants (as defined in The Expropriation Act) to acquire part of the property at 631 Rymal Road West containing 845.39 square metres (9,100 square feet) more or less, for highway and municipal purposes.
 - ii. Advertise Notice of the City's application in a newspaper as required by The Expropriations Act, and
 - iii. Sign and receive said application for approval to Expropriate.
 - iv. That the Director of Property be authorized and directed to obtain an independent appraisal of the lands to be expropriated to form the basis of compensation to be offered by the City and that the Director of Property be authorized and directed to negotiate compensation with the owner for the expropriated lands on the basis of the appraisal report.
- (c) That the Finance and Administration Committee be requested to recommend the method of financing.
35. (a) That the Director of Property be authorized to negotiate with the following owners for the acquisition of a portion of their lands required for the extension of Eaglewood Drive in Gagliano Gardens Addition Subdivision in order to implement the Eleanor Neighbourhood Plan. The necessary expenditures are to be charged to Account No. CH5X323 00107 (Services Through Unsubdivided Lands).

<u>Property</u>	<u>Owner</u>
i. Part of 801 Rymal Road East Parts 8 and 9, Plan 62R-9927	Gustav Turnewitsch

- ii. Part of 819 Rymal Road East Garnet Hyslop
 Parts 12 and 13, Plan 62R-9927 Jean Hyslop

- (b) That in the event the Director of Property is unsuccessful in negotiating the purchase of the required lands on or before 1993 March 1, the City Solicitor be authorized and directed to initiate expropriation proceedings and the Director of Property be authorized to retain an independent fee appraiser to prepare an appraisal of market value.
 - (c) That the Finance and Administration Committee be requested to recommend the method of financing.
36. (a) That a four-way stop control at the intersection of Broker Drive and Brentwood Drive, be implemented, on a 6 month trial basis.
- (b) That staff report back to the Transport and Environment Committee on the effect of this four-way stop in 6 months time.
37. (a) That City Council endorse the Regional Municipality of Waterloo's resolution respecting new legislation for beverage containers as follows:

WHEREAS the Province of Ontario is currently considering new legislation for beverage containers,

AND WHEREAS all containers will continue to contribute to litter problems, thereby leading to increased municipal costs unless all containers are accompanied by a deposit,

BE IT THEREFORE RESOLVED THAT the Government of the Province of Ontario be urged to promote the use of refillable containers as much as possible, and implement a refundable deposit program for non-refillable beverage containers to encourage the recycling of them,

AND FURTHER that this resolution be circulated to the Premier of Ontario, the Minister of the Environment, the Minister of Municipal Affairs, Ontario Association of Municipal Recycling Coordinators, the Association of Municipalities of Ontario, the Ontario Soft Drink Association, and all Ontario municipalities with a population in excess of 20,000 with a request to endorse this resolution.

- (b) That the City Clerk be directed to notify the Regional Municipality of Waterloo and the Government of the Province of Ontario that the City of Hamilton endorses this resolution.

1992 October 27

38. That leave be granted to introduce the following Bills:

- (a) **Bill A-78** By-law to Incorporate Parts 1 and 14, Plan 62R-11311 into Arrowhead Drive
- (b) **Bill A-79** By-law to Incorporate Parts 5 and 13, Plan 62R-11311 into Upper Wentworth Street
- (c) **Bill A-80** By-law to Incorporate Part 2, Plan 62R-12354 into Claudette Gate
- (d) **Bill A-81** By-law to Incorporate Part 6, Plan 62R-11818 into Rifle Range Road
- (e) **Bill A-82** By-law to Incorporate Part 4, Plan 62R-11818 into Ewen Road
- (f) **Bill A-83** By-law to Incorporate Part 2, Plan 62R-9499 into Highridge Avenue
- (g) **Bill A-84** By-law to Stop-up, Close and Sell Those Portions of Public Walkway Between Lots 150 and 151 Plan 62M-89 (North of Larch Street)
- (h) **Bill A-85** By-law to Amend By-law No. 89-72 to Regulate Traffic
- (i) **Bill A-86** By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN V. J. AGRO, VICE-CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Kevin C. Christenson, Secretary

1992 October 19

Appendix "A" as referred to in
Section 4 of the ELEVENTH Report
of the Transport and Environment
Committee for 1992

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>First Year/Annual</u>	<u>File Number</u>
66 Erie Avenue N.	Steps measuring 3.5' X 4.5'	David A. Stevens 161 King Street West Dundas, Ontario L9H 1V3	\$105.00/20.00	T103-50 (898)
151 Glendale Avenue N.	Steps measuring 0.75' X 3.5'	Edward F. Cain 340 Main Street East Hamilton, Ontario L8N 1J1	\$112.00/20.00	T103-50 (1003)
168 Grace Avenue	Stairway measuring 1.75' X 10.0' onto Knox Avenue	Witten Renovations Inc. 495 Woodward Avenue Hamilton, Ontario L8H 6N6	\$112.00/20.00	T103-50 (1016)
169 Burris Street	Wood Steps measuring 1.74' X 3.05'	J. W. Homer Waller & Homer 241 King Street West Hamilton, Ontario L8P 1A7	\$112.00/20.00	T103-50 (1019)

Appendix "B" as referred to in
Section 5 of the ELEVENTH Report
of the Transport and Environment
Committee for 1992

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>First Year/Annual</u>	<u>File Number</u>
109 Pearl Street N	Portion of building on Florence Street measuring 0.05m x 3.93m on Pearl Street measuring 0.28m x 13.07m	: Pelech, Otto & Powell P.O. Box 91206 Hamilton Ontario L8N 4G4	\$112.00/20.00	T103-50 (976)

1992 October 27

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **NINETEENTH** Report for 1992 and respectfully recommends:

1. (a) That a purchase order be issued to Memphis-Kendall Builders Inc., Toronto in the amount of \$376,000. for the construction of a new club house for the Hamilton Tennis Club at 247 Duke Street, H.A.A.A. grounds (Hamilton Amateur Athletic Association grounds).
- (b) That approval be subject to:
 - i. The contractor agreeing to reduce the cost of construction by \$31,000.
 - ii. The Hamilton Tennis Club contributing the difference between the Parks and Recreation Committee's approved budget (\$300,000.) and the total net budget cost (after GST rebate).
- (c) That a contract be entered into satisfactory to the City Solicitor.
2. That subject to the pre-tender estimate for the West Mountain Twin Pad Arena being within budget, the Architectural Division through the Purchasing Division be authorized and directed to call tenders for the Building/Site portion of the project.
3. That the Chairperson of the Parks and Recreation Committee or his designate and one Culture and Recreation Department staff person be authorized to participate in the Canada-Russia exchange representing Hamilton in Penza, 1992 November 12 to November 20.

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4. That this year's New Year's Eve Celebrations be held at City Hall between the hours of 9:00 p.m. and 12:00 midnight, as a project that will be initiated with a "Launch" from Gore Park at noon assisted by the Downtown B.I.A.
5.
 - (a) That the City of Hamilton provide a capital grant of \$25,000. to McMaster University for upgrading campus sports fields to accommodate World-University Games - Women's Soccer.
 - (b) That this funding be conditional on McMaster University allowing community access to the campus sports fields.
 - (c) That this funding be conditional on the Province of Ontario and McMaster University providing the balance of \$75,000. required to upgrade the campus sports fields.
 - (d) That the Finance and Administration Committee be requested to recommend a method of financing.
6.
 - (a) That approval be given to Dundurn Castle and Whitehern staff to purchase environmental control and monitoring equipment from their appropriate trust accounts.
 - (b) That authorization be given to staff to apply for matching funding of up to \$1,600. from the Facilities Development and Upgrading programme of the Federal Department of Communications.

Respectfully Submitted,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

1992 October 20

1992 October 27

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **EIGHTEENTH** Report for 1992 and respectfully recommends:

1. (a) That the portion of Item 6 of the Planning and Development Committee Report 15-92 adopted by City Council on 1992 August 25, which refers to the approval of the 5% cash figure for "Claudette Gardens - Phase 1", Hamilton be deleted.
- (b) That the City of Hamilton accept the sum of \$16,380 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 1", Hamilton, this being the cash payment required under Section 50 of the Planning Act.

The lands of Claudette Gardens - Phase 1 are located on the west side of Garth Street, north of Rymal Road West in the Falkirk East Planning Neighbourhood.

2. (a) That the International Village Business Improvement Area boundaries be expanded to include the following:
 - (i) both sides of King William Street from Mary to Wellington Streets
 - (ii) the east side of Mary Street from King to King William Streets
 - (iii) both sides of Ferguson Avenue from King to King William Streets
 - (iv) the west side of Wellington Street from King William to Main Street
 - (v) Spring Street between King and Main Streets; and,
- (b) That the City Clerk's Department be authorized and directed to circularize the proposed area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,
- (c) That the Law Department be authorized and directed to prepare the necessary amending by-law.

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3. That the 1992 estimate of expenditure under the Commercial Improvement Programme, approved by City Council on 1992 January 28 and June 30, be increased by \$71,606.35 to cover the extra costs associated with paving alleyways within the Westdale Village and International Village B.I.A.'s.
4. That the Community Renewal section of the Public Works Department be authorized to notify the Ministry of Municipal Affairs, Community Development Branch, of the City of Hamilton's intention to utilize the P.R.I.D.E. anti-recession funds on the north-end, east and west neighbourhoods.
5. That a Commercial Facade Loan in the amount of forty five thousand dollars (\$45,000) be approved for Agommen Ltd., and Co-owners, 303-307 King Street East, Hamilton. The interest rate will be 4 1/8 per cent, amortized over 10 years.
6. That the Building Commissioner be authorized to issue a demolition permit for 91 Webster Road.
7.
 - A. That approval be given to application 25CDM-92003, Taba Developments Ltd., owner, to establish a draft plan of condominium located south of Stone Church Road East on the east side of Upper Ottawa Street, subject to the following conditions:
 - (a) That this approval apply to the plan prepared by Rady-Pentek & Edward Surveying Ltd., dated 1992 April 21, showing 37 industrial units.
 - (b) That Land Severance application H-18-92 and H-19-92 be finalized prior to the release of the Final Plan of Condominium.
 - B. That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.
8.
 - (a) That the appropriate by-law to remove part-lot control from the lots and blocks of land is the "Rymal Square Estates - Phase 2" plan of subdivision, 26M-715, be enacted by Council.
 - (b) That the following enactment of this By-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse same on the by-law.

1992 October 27

9. (a) That Hamilton City Council endorse, in principle, the Association of Municipalities of Ontario (A.M.O.) regarding their response to the Provincial Government's Policy Paper on Apartments in Homes.
(b) That the Mayor be directed to advise the Provincial Minister of Housing and A.M.O. of the City's position.
10. (a) That the City of Hamilton endorse a policy of barrier free design; and,
(b) That Planning Department staff be directed to prepare a report on this matter for the Planning and Development Committee.
11. (a) That the Beach Advisory Committee be renamed, The Beach Neighbourhood Plan Implementation Committee,
(b) That the report mechanisms for all recommendations still continue to be the Planning and Development Committee then City Council for approval,
(c) That the make up of this Committee be five Beach Neighbourhood Residents, all Ward 4 and 5 Aldermen and that resources and advisors to the Committee consist of one representative from the Office of Bob MacKenzie, M.P.P., for the area. One representative from the Planning Department, one representative from the Parks and Recreation Department, one representative from the Public Work's Department, one representative from the Engineering Department and one staff representative from the Conservation Authority,
(d) That the voting members be the five area residents and the four aldermen; and,
(e) That the Implementation Committee communicate with the Pathways Committee and the Bicycle Route Advisory Committee to receive input.
12. (a) That the City of Hamilton renew the lease with the Toronto Area Transit Operating Authority which expired on July 31, 1992, respecting the use of City owned land located at Strachan Street East and James Street North.
(b) That the new term be for a period of two (2) years commencing August 1, 1992 and expiring July 31, 1994 at a rental rate of \$10,599.60 per year plus realty taxes paid in advance in monthly instalments of \$883.30 on the first (1st) day of each month and proceeds to be credited to Account Number CH 44104 31106 (Rental Civic Property - Civic Properties Rented).

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- (c) That in the event the premises are not required for the Industrial Perimeter Road Project, consideration will be given to a further two (2) year extension upon such terms and conditions as the parties may agree.
 - (d) That the lease renewal be in a form satisfactory to the City Solicitor.
 - (e) That the Mayor and City Clerk be authorized and directed to execute the renewal agreement.
13. That approval be given to City Initiative 92-F for a modification to the established "C" (Urban Protected Residential, etc.) District regulations (Blocks "1" and "2") and for a further modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations (Block "3"), to exempt the subject properties from the "through lot" provisions of Zoning By-law No. 6593, and to establish the property lines abutting Mohawk Road East as the "rear lot lines", for properties located at 15, 19, 20 and 24 Bosna Court and 39, 43, 47 and 51 Algonquin Court, as shown on the attached map marked as Appendix "A", on the following basis:
- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - (i) For the purposes of this By-law, the rear lot line shall be the boundary line along Mohawk Road East.
 - (b) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "3", as amended by By-law No. 73-268, be further modified to include the following variance as a special requirement:
 - (i) For the purposes of this By-law, the rear lot line shall be the boundary line along Mohawk Road East.
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- 285a, and that the subject lands on Zoning District Map E-59 be notated S- 285a;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59 for presentation to City Council;

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- (e) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
14. That approval be given to Zoning Application 92-35, Peter Esposto, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, to legalize the existing parking lot, which is to be used in conjunction with a restaurant fronting on Upper James Street, for the property located at 9 Brantdale Avenue, as shown on the attached map marked as Appendix "B", on the following basis:
- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District;
 - (b) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-Law No. 6593, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 13C(3) of Zoning By-Law No. 6593, the following requirements shall apply to the subject property:
 - (1) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly property line; and,
 - (2) That a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the northerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1289, and that the subject lands on Zoning District Map W-7 be notated S-1289;
 - (d) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-7;
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
 - (f) That the amending By-law not be passed by City Council until a site plan has been approved by the Planning and Development Committee.

15. A. That approval be given to amended City Initiative 91-E, for a modification to the "A" (Conservation, Open Space, Park and Recreation) District regulations, to permit the required parking spaces for the proposed bleachers for the track and field site to be provided and maintained on natural grass, for the lands between Mohawk and Limeridge Roads East, east of Upper Kenilworth Avenue (Mohawk Sports Park), as shown on the attached map marked as Appendix "C", on the following basis:
 - (a) That the "A" (Conservation, Open Space, Park and Recreation) District regulations, as contained in Section 7 of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
 - (i) That Sections 18A (12) and (30) of Zoning By-law No. 6593 shall not apply to 567 required parking spaces within Mohawk Sports Park.
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1290, and that the subject lands on Zoning District Maps E-69 and E-69A be notated S-1290;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-69 and E-69A for presentation to City Council;
 - (d) That the proposed modification to the Zoning By-law is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the City of Hamilton dedicate sufficient land to the Region for a daylight triangle and road widening purposes on Mohawk Road and Upper Kenilworth Avenue to the satisfaction of the Roads Department.
16. That leave be granted to introduce the following Bills:
 - (a) Bill C-108 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 91-11 respecting lands located at Municipal Nos. 125 Napier Street and 55 Queen Street North
 - (b) Bill C-109 A By-law to amend Zoning By-law No. 6593 as amendmend by By-law No. 89-336 respecting land located at Municipal No. 992 Montclair Avenue
 - (c) Bill C-110 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 829 Rymal Road East

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- (d) Bill C-111 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal No. 173 Bold Street and No. 20 Wheeler Lane
- (e) Bill C-112 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 91-099 respecting land located at Municipal No. 172 Sanford Avenue South
- (f) Bill C-113 A By-law to adopt Official Plan Amendment No. 118 respecting lands known municipally as 350 Centennial Parkway North, located south of the Canadian National Railway tracks and east of Centennial Parkway North, within the Lakely Neighbourhood
- (g) Bill C-114 A By-law to adopt Official Plan Amendment No. 119 respecting lands known municipally as 113 Charles Street, within the Durand Neighbourhood
- (h) Bill C-115 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 92-211 respecting part of land located at Municipal No. 240 Rymal Road East
- (i) Bill C-116 A By-law to remove land within the "Rymal Square Estates, Phase 2" Subdivision, Plan 62M-715 from Part Lot Control
- (j) Bill C-117 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 113 Charles Street
- (k) Bill C-118 A By-law to amend Zoning By-law No. 6593 and to repeal Zoning By-law No. 90-29 respecting land located at Municipal No. 350 Centennial Parkway North

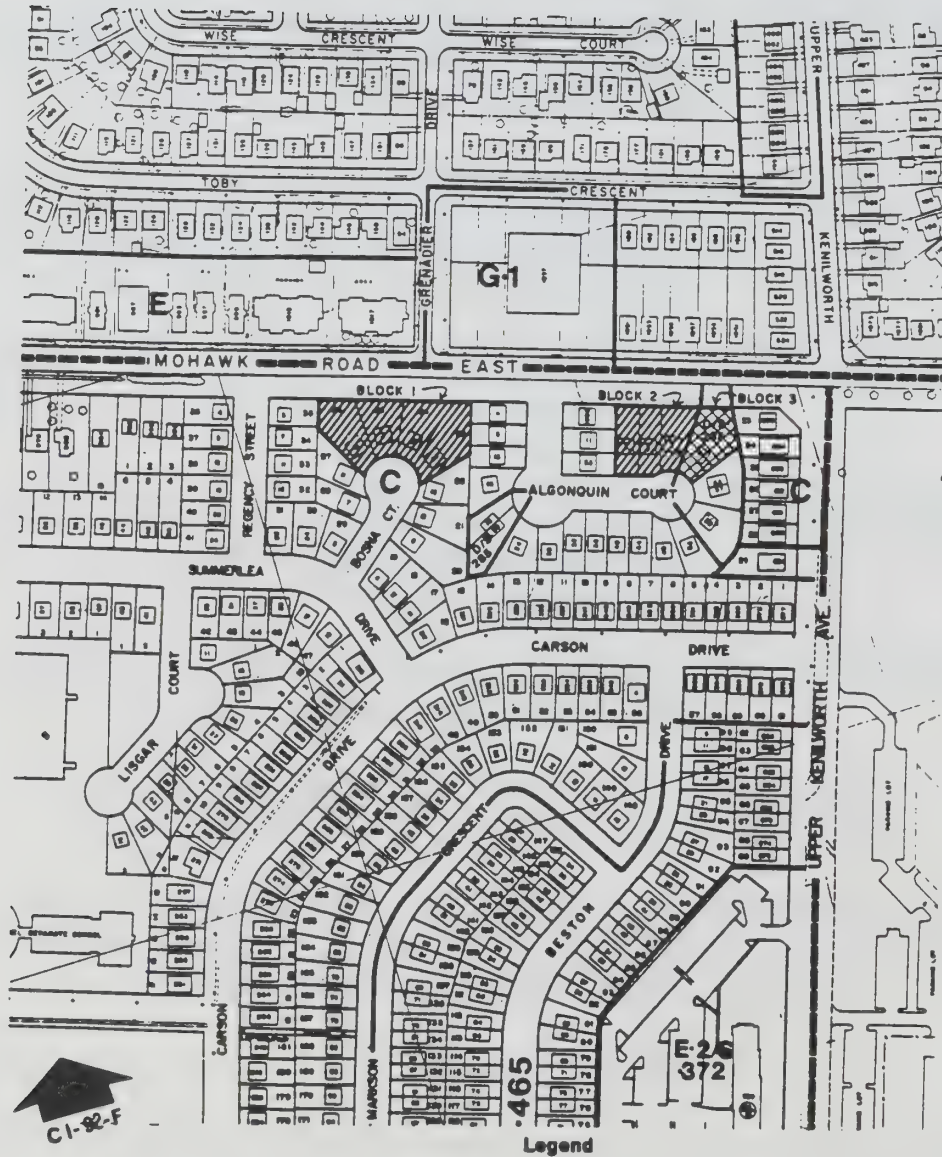
Respectfully submitted,



ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary
1992 October 21

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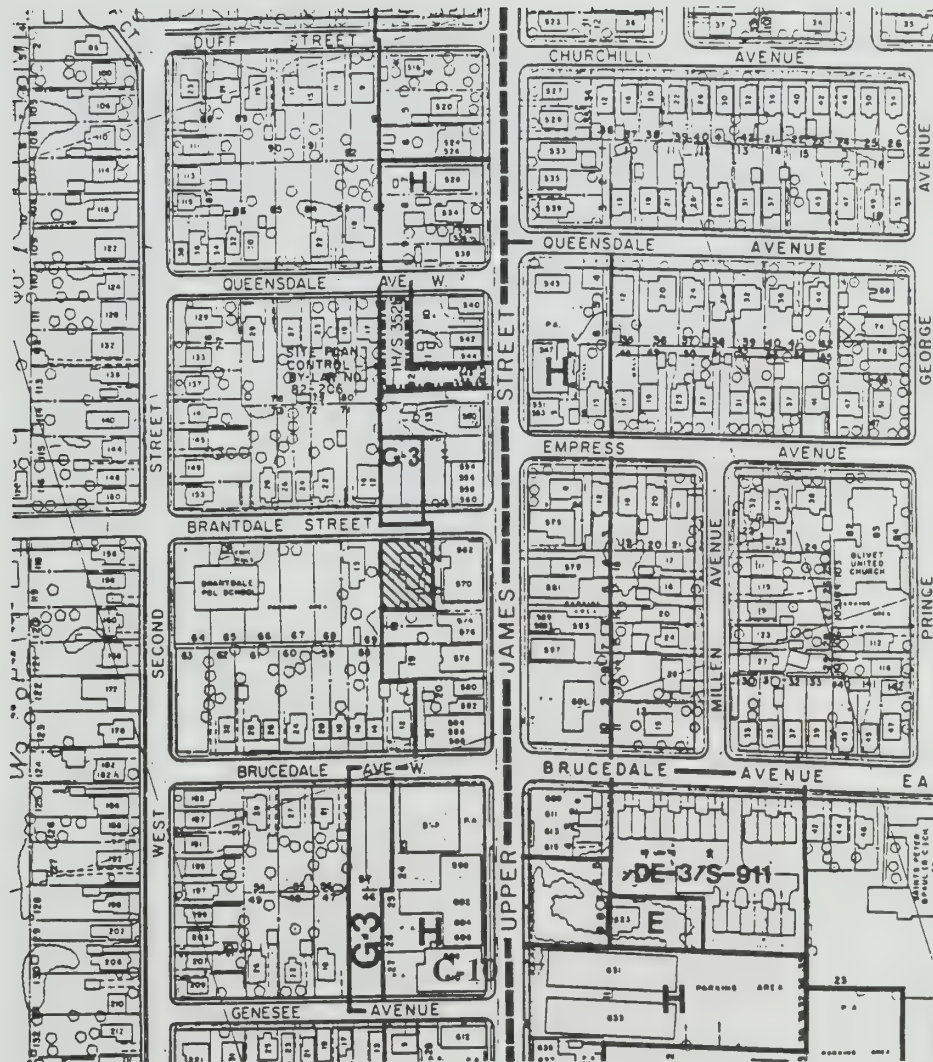
Appendix "A" referred to in
Section 13 of the Eighteenth Report
of the Planning and Development
Committee for 1992



- BLOCKS 1 and 2**  Proposed modification to the "C" (Urban Protected Residential, etc.) District regulations.
- BLOCK 3**  Proposed further modification to the "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District regulations.

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Appendix "B" referred to in
Section 14 of the Eighteenth Report
of the Planning and Development
Committee for 1992



Legend



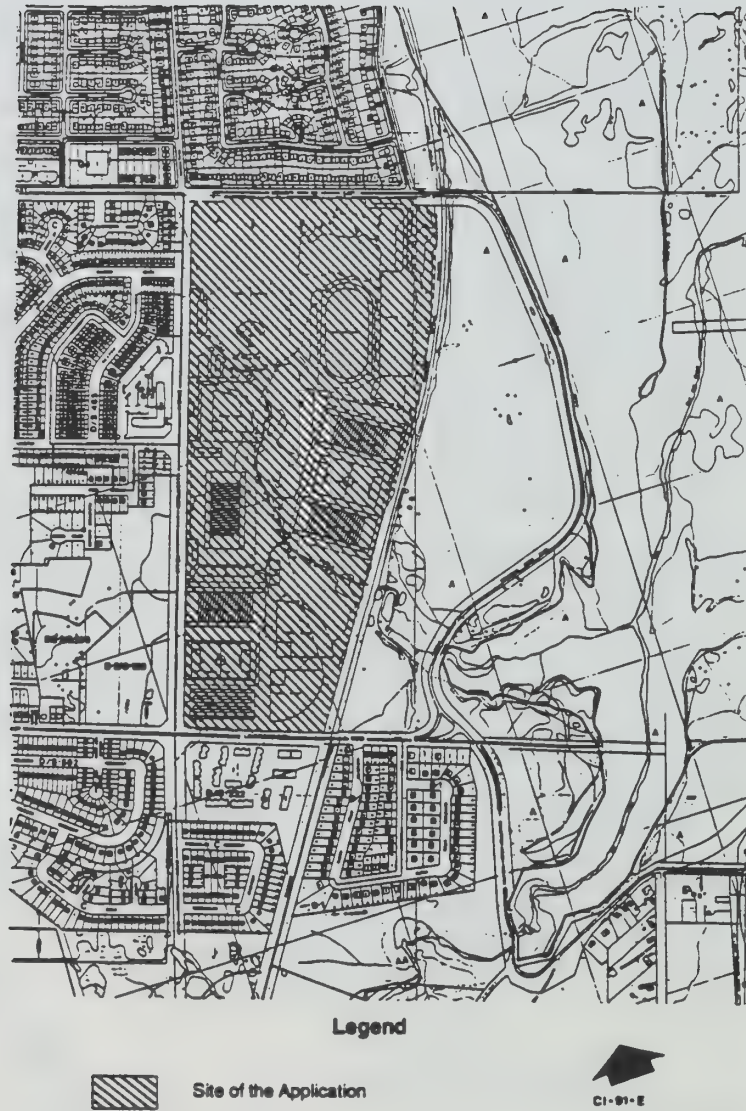
Site of the Application



Z.A.-62-36

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Appendix "C" referred to in
Section 15 of the Eighteenth Report
of the Planning and Development
Committee for 1992



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REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **SEVENTH** Report for 1992 and respectfully recommends:

1. That the Second Level Lodging Home Licence Application of Hazel Ross (Clar-Dell Retirement Home) for 185 Delaware Avenue be denied on the grounds that the home is presently in non-compliance with the City's Zoning By-law 6593, as amended, in that there are presently eleven residents occupying the home, two over the allowed capacity of nine.

Confidential background information provided to members of City Council under separate cover.

2. That the Cab Driver Licence Application of Thomas Lebrun, 35 Rosemount, Hamilton, be denied.

This matter was lost on a tie vote of the City of Hamilton Licensing Committee and, in accordance with established policy, is now being submitted to City Council for consideration and disposition.

Confidential Background information provided to members of City Council under separate cover.

3. That approval be given to the Hairdresser Licence Application of Elvira Krackovic of 533 Main Street East, Hamilton, notwithstanding the fact that the establishment does not comply with the City's Health By-law #4798, in that the basement washroom ceiling height is less than the required 7'-0".

Mrs. Krackovic attended before the City of Hamilton Licensing Committee at its meeting of 1992 October 14 and made application for a Hairdresser Licence at the premises of 533 Main Street East.

The Committee was advised that the height of the ceiling in the basement washroom was 6" less than the 7'-0" required under the Health By-law, and that the ducting in this area actually resulted in some areas being 1'-0" less than the requirement. It noted however that the ceiling in the rest of the basement was of required height.

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In view of the above, and in order for Mrs. Krackovic to operate the business which is her livelihood, the City of Hamilton Licensing Committee made the foregoing recommendation.

RESPECTFULLY SUBMITTED

**ALDERMAN T. COOKE
CHAIRPERSON
CITY OF HAMILTON LICENSING
COMMITTEE**

Stella Glover
Secretary

1992 October 14

1992 October 27

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FIRST** Report for 1992 and respectfully recommends:

1. After reviewing the submission of the complainant, Clem Valeri, representing T. Valeri Construction Limited, the Council of the Corporation of the City of Hamilton hereby confirms that the Development Charges imposed on the property located at 190 Limeridge Road West as having been properly imposed pursuant to the City of Hamilton's Development Charges By-law 90-74, as amended.
2.
 - (a) That the 1993 Hamilton Spectator Indoor Games grant request in the amount of \$50,000. be approved; and
 - (b) That the grant be funded by way of overdrafting the Grant accounts on a one time basis, to allow future grant requests to be processed through the normal grant process.
3. That approval be given to the request of Mr. Carmelo Chairelli of Carmen King Bulk Foods to install a curtain type enclosure at Stand No. 140-143 at the Hamilton Farmers' Market.
4. That as referred to in Section 11 of the Eleventh Report for 1992 of the Transport and Environment Committee, the City's share of "Edan Heights - Phase 3" Subdivision, at a cost of \$2,250. be financed from Centre No. CH 00107 - "Reserve for Services through Unsubdivided Lands".

1992 October 27

5. That as referred to in Section 29 of the Eleventh Report for 1992 of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct the following projects:
 - (a) Upper Paradise Road east side from Stone Church Road to approximately 187m southerly and from approximately 86m south of Skyview Drive to approximately 83m southerly - independent concrete sidewalk at an estimated gross cost be revised from \$27,700. (OMB No. E920755 dated 1992 August 28) to \$47,700. with a City's share being revised from \$7,964. to \$27,964. with an additional cost of City's share of \$20,000. to be financed from 1992 Capital Levy and the balance of \$19,736., being the Owner's share, remaining unchanged, to be financed by the issuance of debenture for a period not to exceed 20 years.
 - (b) Upper Kenilworth Avenue east side from Landron to Limeridge - concrete curb at an estimated cost of \$46,100., being the City's share be revised to \$56,100. with an additional cost of the City's share of \$10,000. to be financed from 1992 Capital Levy.
 - (c) Limeridge Road south side from Upper Wellington Street to approximately 263m easterly and from approximately 376m east of Upper Wellington Street to approximately 69m easterly - independent concrete sidewalk at an estimated gross cost be revised from \$50,000. to \$60,000., with a City's share being revised from \$25,588.80 to \$35,588.80 with an additional cost of the City's share of \$10,000. to be financed from 1992 Capital Levy and the balance of \$24,411.20, being the owner's share remaining unchanged, to be financed by the issuance of debenture for a period not to exceed 20 years.
6. That as referred to in Section 34 of the Eleventh Report for 1992 of the Transport and Environment Committee, the acquisition of the part of the property at 631 Rymal Road West required for implementation of the amended Carpenter Neighbourhood Plan, be financed from Centre No. CH 00107 - "Reserve for Services through Unsubdivided Lands".
7. That as referred to in Section 35 of the Eleventh Report for 1992 of the Transport and Environmental Committee, the acquisition of a portion of the following lands required for the extension of Eaglewood Drive in Gagliano Gardens Addition Subdivision in order to implement the Eleanor Neighbourhood Plan, be financed from Centre No. CH 00107 - "Reserve for Services through Unsubdivided Lands":

1992 October 27

- | <u>Property</u> | <u>Owner</u> |
|---|------------------------------|
| (a) Part of 801 Rymal Road East
Parts 8 & 9, Plan 62R-9927 | Gustav Turnewitsch |
| (b) Part of 819 Rymal Road East
Parts 12 & 13, Plan 62R-9927 | Garnet Hyslop
Jean Hyslop |
8. That as referred to in Section 5 of the Nineteenth Report for 1992 of the Parks and Recreation Committee, McMaster University be provided with a special sport subsidy of \$25,000. for the upgrading of sports fields for the hosting of the World University Games - Women's Soccer and the agreed community access to campus fields to be financed from Account Centre No. CF 629254007 Baseball Facilities Development.
9. (a) That approval be given to the request of the United Nations Association to use the forecourt, or the Council Chamber in the event of inclement weather, from 2:00 p.m. - 3:30 p.m. on Saturday, 1992 October 24 for a proclamation ceremony for the observance of United Nations Day; and,
- (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
10. (a) That approval be given to the action taken by the City Clerk in authorizing Scouts Canada to use an area of the City Hall forecourt to park a vehicle for the distribution of apples and the provision of access to first floor washrooms during Scouts Canada Apple Days from 2:00 p.m. on Friday, October 16 until 2:00 p.m. on Saturday, October 17; and,
- (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
11. (a) That approval be given to the request of the MAD Creative Art School to use the east and west areas of the second floor lobby from 1992 November 2 - 13 for a children's art display entitled "Our Community Our Earth"; and,
- (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.

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12. (a) That approval be given to the request of the Editor in Chief of the Dictionary of Hamilton Biography to use the Council Chamber on Friday, 1992 November 20 at 8:00 o'clock p.m. for a book launching and reception; and,
(b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
13. That the contract settlement of the Hand Association of Sewer, Watermain and Road Contractors and the International Union of Operating Engineers, Local 793 be received pursuant to the Fair Wage Policy of the City of Hamilton. Copies of the settlement were distributed to the members of the Finance and Administration Committee, and are available from the Committee Secretary upon request.
14. That the listing of Appointments To and Terminations From Permanent positions with the Corporation of the City of Hamilton to 1992 October 14, attached herewith and marked Appendix "A", be approved.
15. (a) That the Premier of Ontario and the Solicitor General be petitioned to amend the Fire Department Act to ensure that binding arbitration takes into account the economic circumstances of the municipality when determining contract settlements; and,
(b) That the Association of Municipalities of Ontario be requested to support this petitioning.
16. That purchase orders be issued for the supply and delivery of Gasoline and Diesel Fuels to various City Departments as and when required to 1994 June 30, in accordance with specifications issued by the Manager of Purchasing and Stores, Hamilton Street Railway and Vendors' tenders, as follows, and that these expenditures be financed through various approved accounts:

Esso Imperial Oil, Willowdale

Gasoline	- Unleaded	- \$0.4483 per litre
	- Premium	- \$0.4858 per litre

Petro Canada Inc., Toronto

Diesel	- \$0.3864 per litre
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Plus applicable taxes

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17. (a) That the City of Hamilton host a civic luncheon for the Canadian Olympic Athletes on Sunday, 1992 November 1, at the Hamilton Convention Centre to be followed by their appearance and recognition at the Ti-Cat Football Game at Ivor Wynne Stadium; and,
- (b) That the cost for this event not exceed \$1,500. and be charged to the Special Civic Receptions and Dignitaries Hosting Account No. CH55314-84010.
18. That the following resolution from the Town of Newmarket regarding Canadian Unity be received:

WHEREAS Canada is a federation, a union of people in many different regions, in a single country, drawn together by their common interests;

AND WHEREAS our vision of Canada in which our cherished values and the hallmark of our identity - tolerance, compromise, a respect for diversity, openness to others, our social programs and the love of our land are to be protected and strengthened;

AND WHEREAS Canadian Unity means a Canada in which peoples composed of First Peoples, Canadians by birth and Canadians by choice, stand equal and united;

BE IT THEREFORE RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket that the Town of Newmarket supports and believes in one Canada, one nation, undivided from sea to sea to sea.

19. For the information of the members of City Council, the Finance and Administration Committee have appointed Ryan Paquette to the French Sub-Committee to fill the one citizen member vacancy created by the resignation of Henriette D  ry for a term to expire 1994 November 30th.
20. That the following be added to Section 26 of the Eighteenth Report for 1992 of the Finance and Administration Committee, respecting Selection Procedures for Committees/Boards/Commission which was approved by City Council on 1992 September 29th:
- "(o.) That all vacancies for unexpired terms of offices which occur as a result of resignations, deaths, absenteeism, etc. be filled in a manner left to the discretion of the appropriate approving body."

21. That the firm of H.M.T. Sales Tax Consultants Inc., of Ancaster, Ontario, be appointed to perform a comprehensive audit of the City's payment records for sales tax rebates not recorded, with particular emphasis on the G.S.T., at a fee of 35% of any recovered unclaimed sales tax.
22. (a) That the following Corporation Policy on Work Accommodation, be approved:
 - (i) The employer will accommodate employees with disabilities contingent upon their individual limitations and capabilities and the availability of employment; and,
 - (ii) All eligible employees who are, through occupational or non-occupational illness/injury, unable to return to regular duties, will be considered for Work Accommodation, of either a temporary or permanent nature.
- (b) For the information of the members of City Council, the Procedures defining implementation of the Work Accommodation Policy, were received as information by the Finance and Administration Committee and are available from the Committee Secretary upon request.
23. That a Special Purpose Committee comprised of three members of City Council, be established to sit as a quasi-judicial tribunal for a Statutory Hearing in accordance with Section 4 of the Fire Department Act respecting the employment of a Firefighter.
24. That the City of Hamilton offer to settle Ontario Court (General Division) Action No. 7789/89 on the following terms:
 - (a) That the City pay to the Plaintiffs Claudio Di Sante, Angiolina Di Sante, and Tommaso Di Sante, \$3,200., inclusive of damages, interest and costs.
 - (b) That the Plaintiffs be required to execute a Full and Final Release of the City of Hamilton in a form satisfactory to the Law Department;
 - (c) That the Plaintiffs dismiss the action without costs.

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25. That leave be granted to introduce the following Bill:

- (a) Bill H-66 A By-law to confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1992 October 22**

Appendix "A" referred
to in Section 14 of the
Twenty-First Report of the
Finance and Administration
Committee for 1992.

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. Robert Anderson	Senior Systems Analyst (I)	Information Systems	New Position Council Approved - January 30, 1990	\$56,217.72 to \$66,242.28	07/09/92
Mr. Allan Benson	Senior Systems Analyst (I)	Information Systems	New Position Council Approved - January 30, 1990	\$56,217.72 to \$66,242.28	07/09/92
Mr. David Bowley	Truck Driver (D-10)	Public Works	Replacing Mr. D. Ferguson - returned to former position	\$32,945.12	07/09/92
Mr. Scott Bowman	Gardener III (D-7)	Public Works	Replacing Mr. D. Bowley - promoted	\$31,487.04	07/09/92
Mr. Gary Burgess	Captain (C-8)	Fire	Replacing Mr. A. Agostinelli - retired	\$57,553.17	13/09/92
Mr. Noel Cooper	Senior Systems Analyst (I)	Information Systems	New Position Council Approved - January 30, 1990	\$56,217.72 to \$66,242.28	07/09/92
Mr. John Dove	Captain (C-8)	Fire	Replacing Mr. L. Cooper - retired	\$57,553.17	13/09/92
Mr. Robert Jackman	Co-ordinator of Senior Services and Food Services (K)	Culture & Recreation	New Position Council Approved - May 26, 1992	\$47,412.56 to \$55,811.08	05/10/92

Prepared 14/10/92

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. Stephen Jones	Labour/Truck Driver- Rink Attendant II (D-14C)	Culture & Recreation	Replacing Mr. S. Matthews - promoted	\$33,510.88	25/09/92
Mr. David Oliveira	Concrete Finisher (D-12A)	Public Works	Replacing Mr. D. Jamleson - transferred	\$33,259.20	14/09/92
Mr. Steven Sajder	Arena Attendant (M-10)	H.E.C.F.I.	Replacing Mr. A. Stokan - retired	\$35,642.88	31/08/92
Mr. John Whitwell	Cashier (9-C)	Treasury	Replacing Ms. Donna Clague - promoted	\$26,895.96 to \$29,076.32	14/09/92

Prepared 14/10/92

**THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS**

NAME	CLASSIFICATION	DEPARTMENT	REASON	LENGTH OF SERVICE	EFFECTIVE DATE
Ms. Elizabeth Isajiw	Solicitor	Law	Resigned	1 year, 1 month	08/09/92
Mr. Charles Kirby	Entertainment Programming/ Sales Manager	H.E.C.F.I.	Terminated	1 year, 2 months	09/09/92
Mr. Neil McFadyen	Assistant Deputy Chief	Fire	Retired	38 years, 2 months	30/09/92
Ms. Carole Morin	Hospitality Sales Executive	H.E.C.F.I.	Resigned	5 months	28/09/92
Mr. Eric Storey	Motor Mechanic I	Public Works	Retired	11 years, 8 months	09/30/92
Ms. Mary Webb	Advertising Promotion & Public Relations Manager	H.E.C.F.I.	Downsized	16 years, 5 months	21/09/92

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE PARTS 1 & 14, PLAN 62R-11311
INTO ARROWHEAD DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Arrowhead Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Arrowhead Drive.

Parts of Lot 9, Concession 1, former geographic Township of Glanford, designated as Parts 1 and 14 on Plan 62R-11311.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE PARTS 5 & 13, PLAN 62R-11311
INTO UPPER WENTWORTH STREET**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Upper Wentworth Street by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Upper Wentworth Street.

Parts of Lots 8 and 9, Concession 1, former geographic Township of Glanford, designated as Parts 5 and 13 on Plan 62R-11311.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

TO INCORPORATE PART 2, PLAN 62R-12354
INTO CLAUDETTE GATE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Claudette Gate by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Claudette Gate.

Part of Parcel Reserves -1
Section 62M-679

Part of Block 144, Plan 62M-679, designated as Part 2 on Plan 62R-12354.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

being part of the Parcel.

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE PART 6, PLAN 62R-11818
INTO RIFLE RANGE ROAD**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Rifle Range Road by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Rifle Range Road.

Part of Lot 55, Concession 1, former geographic Township of Ancaster, and part of Lot 23, Registrar's Compiled Plan No. 1478, designated as Part 6, Plan 62R-11818.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE PART 4, PLAN 62R-11818
INTO EWEN ROAD**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Ewen Road by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Ewen Road.

Part of Lot 55, Concession 1, former geographic Township of Ancaster, designated as Part 4 on Plan 62R-11818.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

**TO INCORPORATE PART 2, PLAN 62R-9499
INTO HIGHRIDGE AVENUE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Highridge Avenue by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Highridge Avenue.

Part of Lot 24, Concession 2, former geographic Township of Saltfleet, designated as Part 2 on Plan 62R-9499.

in the City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1992.

J. J. Schatz
City Clerk

R. Morrow
Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

TO STOP-UP, CLOSE AND SELL THOSE PORTIONS OF
PUBLIC WALKWAY BETWEEN LOTS 150 AND 151
PLAN 62M-89 (NORTH OF LARCH STREET)

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45 to stop-up, close and sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting item 18 of the 1st Report of the Transport and Environment Committee on October 29, 1991 authorized the City to stop-up, close and sell the public walkway, being more particularly described as Parts 1,2,3 and 4 on Plan 62R-8822.

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described lands.

AND WHEREAS Notice of the City's intention to pass this By-law has been published as required by Section 301 of The Municipal Act for the four consecutive weeks; namely, June 30, July 7, 14 and 21, 1992.

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to, or in support of this By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The portions of the highway described as,

Part of Parcel Public Walkways -1, Section M-89

Being all of the 10' wide Public Walkway, lying between Lots 150 and 151, Plan M-89, designated as Parts 1,2,3 and 4 on Plan 62R-8822.

City of Hamilton
Regional Municipality of Hamilton-Wentworth
being part of the Parcel.
are hereby stopped and closed.
2. That an easement be granted to Mountain Cablevision Limited over that part of the closed alley, described as Parts 1 and 2, Plan 62R-8822.
3. (a) That the soil and freehold in the closed portions of the said public walkway, described as Parts 2 and 3 on Plan 62R-8822, be sold to Chris K. Rhora and Gwen A. Rhora (abutting owners on the east), or their successors in title, for the sum of \$1.00, in accordance with the provisions of the Offer to Purchase dated March 24, 1992,
that (b) Parts 1 and 4, Plan 62R-8822 be offered for sale to Robert and Beverly Turnbull (abutting owners on the west), or their successors in title, for the sum of \$1.00. Should the Option to Purchase not be exercised by the Turnbells within 21 days of the passing of this By-Law, then the said Parts 1 and 4, 62R-8822 shall be sold to Chris K. Rhora and Gwen A. Rhora will have the right to Purchase.
4. That By-Law No. 92-177 is hereby repealed.
5. This By-Law shall come into force and effect on the date of registration in the Land Registry Office for the Registry Division of Hamilton-Wentworth.

PASSED this 27th day of October A.D. 1992.

BY-LAW NO. 92 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 23 (Hamilton Street Railway Bus Stops)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by deleting from the OUTBOUND COLUMN the following item, namely:-

"Maplewood at Springer".

and by adding thereto the following item, namely:-

"Maplewood at Springer (F/S)".

2. **Schedule 25A (Parking Time Limits)** is hereby amended by adding to **Section 5 (One Hour Limit)** the following item, namely:-

"Robert North Cathcart to 116 feet east".

3. **Schedule 25 (Parking Time Limits)** is hereby amended by adding to **Section 5 (One Hour Limit)** the following item, namely:-

"Cochrane West Queenston to 194 feet south".

and by deleting therefrom the following items, namely:-

"Cochrane East Queenston to 213 ft. south
Cochrane East Queenston to 291 ft. south".

4. **Schedule 26 (No Parking Areas)** is hereby amended by deleting from **Section A (No Parking Anytime)** the following item, namely:-

"Robert North Cathcart to 67 ft. east".

and by adding thereto the following item, namely:-

"Cochrane East Queenston to 216 feet south".

5. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following item, namely:-

"Cochrane Road West East".
King Street to Queenston Road

and by adding thereto the following items, namely:-

"Cochrane West
from 194 feet south of Queenston to King

Cochrane East".
from 216 feet south of Queenston to King

6. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Gibson	East	commencing at a point 354 feet south of Barton to a point 19 feet southerly therefrom	Anytime
---------	------	---	---------

Gibson	West	commencing at a point 360 feet south of Barton to a point 19 feet southerly therefrom	Anytime
--------	------	---	---------

Tom	North	commencing at a point 137 feet east of Dundurn to a point 16 feet easterly therefrom	Anytime
-----	-------	--	---------

PASSED THIS DAY OF , A.D. 1992.

CITY CLERK

MAYOR

BY-LAW NO. 92 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Hempstead	Southbound	Unsworth
Lancing	Northbound	Unsworth
Ford	Northbound	Grove
Nightingale	Westbound	Steven
Broker	Eastbound and Westbound	Brentwood".

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Organ	West	Fennell to 46 feet south	Anytime
David	East	Fennell to 124 feet south	Anytime".

3. **Schedule 31 (School Bus Loading Zones)** is hereby amended by deleting therefrom the following items, namely:-

"Maplewood	North	92 feet	commencing at a point	7:00 a.m. - 6:00 p.m.
			58 feet west of Springer	Monday to Saturday
Wildewood	North	165 feet	commencing at a point	7:00 a.m. - 6:00 p.m.
			101 feet east of Brentwood	Monday to Saturday".

and by adding thereto the following item, namely:-

"Maplewood	North	80 feet	commencing at a point	7:00 a.m. - 6:00 p.m.
			190 feet west of Springer	Monday to Saturday".

PASSED THIS DAY OF , A.D. 1992.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 91-11

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS. 125 NAPIER STREET
AND 55 QUEEN STREET NORTH**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-11 on the 29th day of January 1991 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E-3" District and "J" District, in respect of the lands located at Municipal Nos. 125 Napier Street and 55 Queen Street North, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board in its Decision dated August 17, 1992, directed that By-law No. 91-11 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 2 of By-law No. 91-11 is amended by deleting clause (a) and substituting the following therefor:

(a) Notwithstanding the provisions of Section 11C(1a) and (2)(a) and (b) of Zoning By-law No. 6593, above grade buildings and structures may be constructed to the limits shown on Schedule "B" attached hereto, and specifically shall not exceed:

- (i) 3 storeys in height within Area A;
- (ii) 6 storeys in height within Area B;
- (iii) 15 storeys in height within Area C,

all as shown on Schedule "B" annexed and forming part of this by-law.

2. Section 2 of By-law No. 91-11 is further amended by adding thereto the following clause:

- (d) Notwithstanding Section 18.(8)(c)1 of Zoning By-law No. 6593, a minimum distance of 10.0 metres shall be provided and maintained between the fifteen storey apartment building and the three storey buildings.

3. Schedule "B" to By-law No. 91-11 is hereby revoked and Schedule "A" annexed hereto and forming part of this by-law is substituted therefor.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-3" District and "J" District provisions, subject to the special requirements referred to in sections 2 and 3 of By-law No. 91-11 and in sections 1 and 2 of this by-law.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1208a.

6. Sheet No. W-12 of the District Maps is amended by marking the lands referred to in sections 2 and 3 of By-law No. 91-11, as amended by sections 1 and 2 of this by-law, S-1208a.

7. In all other respects, By-law No. 91-11 is hereby confirmed, unchanged.

PASSED this

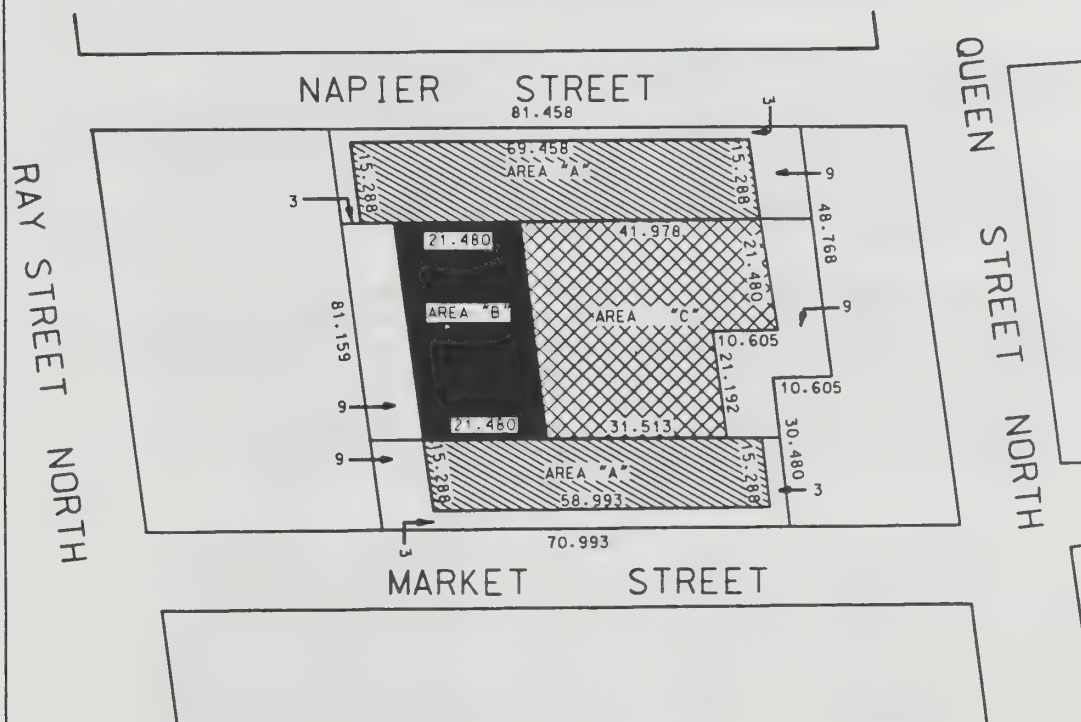
day of

A.D. 1992.

City Clerk

Mayor

Ontario Municipal Board Decision,
Dated August 17, 1992
Patran Limited Holdings, Owner
Amended ZA-90-21



This is Schedule "A" to By-Law No. 92-----
 Passed the ____ day of _____, 1992.

 Clerk




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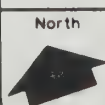
NOTE: All dimensions are in metres

City of Hamilton
Schedule B
 Map Forming Part of
 By-Law No. 91-11
 to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

AREAS "A"  Lands to be regulated
 AREA "B"  by By-Law No. 91-11 as
 AREA "C"  amended by By-Law
 No. 92-.....



Scale
 NOT TO SCALE

Date
 JULY, 1992

Reference File No.
 ZA 90-21

Drawn By
 T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 89-336

Respecting:

LAND LOCATED AT MUNICIPAL NO. 992 MONTCLAIR AVENUE

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-336 on the 28th day of November 1989 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "D" District, in respect of the land located at Municipal No. 992 Montclair Avenue, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, Chapter 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 15 of the 16th Report of the Planning and Development Committee at its meeting held on the 29th day of September 1992, recommended that Zoning By-law No. 6593, as amended by By-law No. 89-336 be further amended to establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Clause (b) of Section 1 of By-law No. 89-336 is deleted and the following substituted therefor:

"(b) notwithstanding Section 10(1)(i) of By-law No. 6593, a residential care facility for the accommodation of not more than two (2) residents for Hope Haven Homes shall be permitted;"

(b) Section 1 of By-law No. 89-336 is further amended by adding the following clauses thereto:

"(c) Section 10(6) of By-law No. 6593 shall not apply;

(d) notwithstanding Section 10(4)(i) of By-law No. 6593, a lot width of not less than 10.16 m and a lot area of not less than 286.0 m² shall be permitted; and

(e) Section 18A of By-law No. 6593 shall not apply."

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 1 of By-law No. 89-336 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1138a.

4. Sheet No. E-45 of the District Maps is amended by marking the lands referred to in section 1 of By-law No. 89-336 and section 1 of this by-law, S-1138a.

5. In all other respects, By-law No. 89-336 is hereby confirmed, unchanged.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

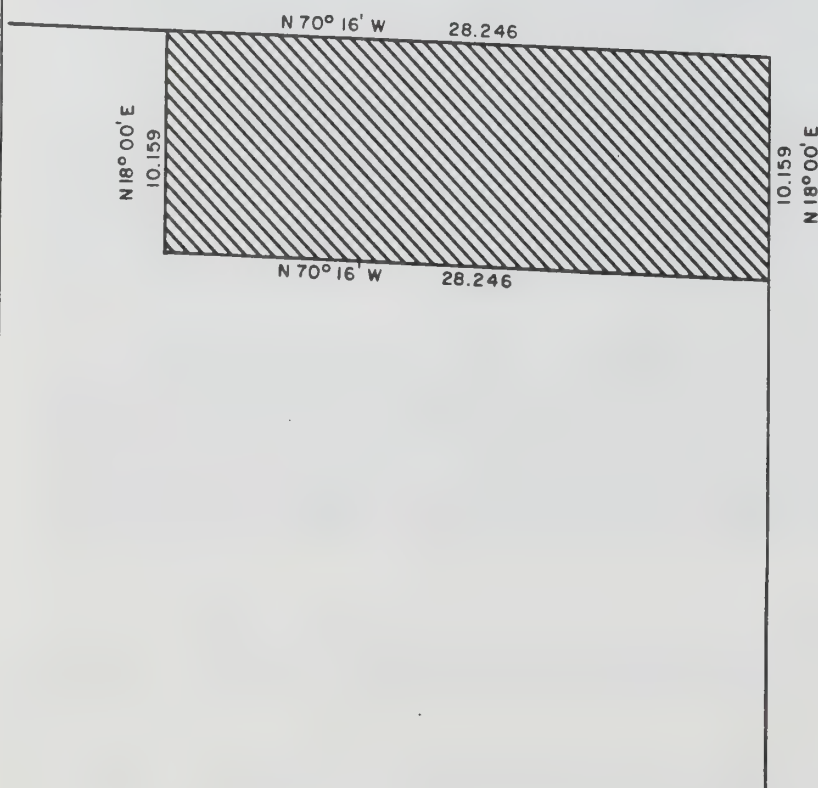
A.D. 1992.

City Clerk

Mayor

(1992) 16 R.P.D.C. 15, September 29
 Hope Haven Homes Family
 Rehabilitation Centre, Owner
 ZA-92-09

MONTCLAIR AVENUE



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-____
Passed the _____ day of _____, 1992.

Clerk

Mayor

City of Hamilton
Schedule A
Map Forming Part of
By-Law No. 92-____
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 92-



North

Scale
NOT TO SCALE

Date
SEPTEMBER 1992

Reference File No.
ZA 92-09

Drawn By
Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 829 RYMAL ROAD EAST

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-38D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "RT-20" (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 10E(7)(a)(i) of By-law No. 6593, not more than seven (7) townhouse dwelling units shall be permitted.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-20" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1287.

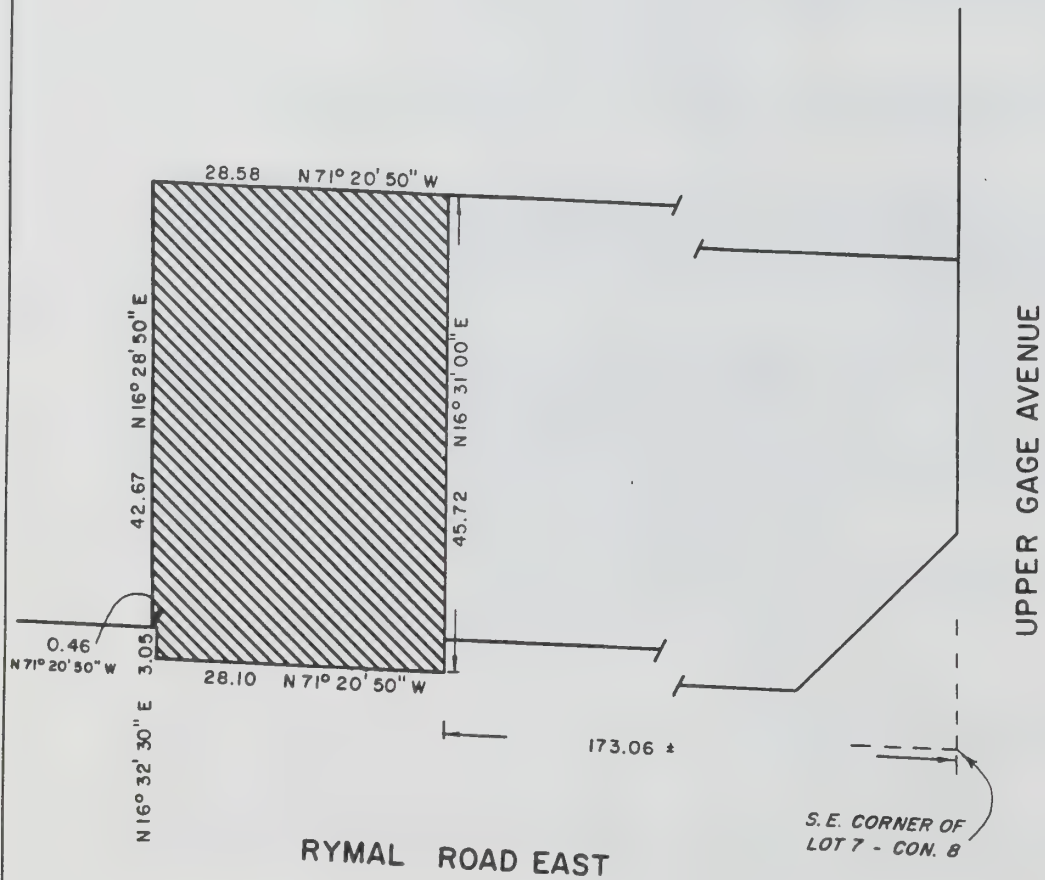
5. Sheet No. E-38D of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1287.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-____
Passed the _____ day of _____, 1992.

Clerk

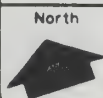
Mayor

City of Hamilton
Schedule A
Map Forming Part of
By-Law No. 92-_____
to Amend By-Law No. 6593
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend
Change in zoning from:



"C" (Urban Protected Residential, etc.)
District to "RT-20" (Townhouse-Maisonette)
District, modified.



Scale
NOT TO SCALE
Date
SEPTEMBER 1992

Reference File No.
ZA 92-27
Drawn By
Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NO. 173 BOLD STREET
AND NO. 20 WHEELER LANE**

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands comprised in Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 11(1) of By-law No. 6593, only a two-family dwelling shall be permitted within the building existing at the date of the passing of this by-law;
- (b) notwithstanding Section 11(3) of By-law No. 6593, the yards existing at the date of the passing of this by-law shall apply to the existing two-family dwelling;
- (c) notwithstanding Section 11(4) of By-law No. 6593, a lot width of not less than 7.53 m and a lot area of not less than 204.45 m² shall be required;
- (d) notwithstanding Section 18A(7) of By-law No. 6593, not less than two parking spaces shall be provided and maintained on the lot within the required front yard for the existing two-family dwelling;
- (e) Section 18A(9) of By-law No. 6593, shall not apply.

2. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands comprised in Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 4.(3)(b) of By-law No. 6593, one-half of a semi-detached, two family dwelling shall be permitted to front onto a public highway (Wheeler Place) having a width of not less than 3.66 m;

- (b) notwithstanding Section 11(1) of By-law No. 6593, only one half of a semi-detached two-family dwelling shall be permitted;
- (c) notwithstanding Section 11(3) of By-law No. 6593, the yards existing at the date of the passing of this by-law shall apply to the existing one half of a semi-detached two-family dwelling;
- (d) notwithstanding Section 11(4) of By-law No. 6593, a lot width of not less than 7.33 m and a lot area of not less than 163.30 m² shall be required;
- (e) notwithstanding Section 18A(7) of By-law No. 6593, not less than one parking space shall be provided and maintained on the lot;
- (f) Section 18A(9) of By-law No. 6593 shall not apply.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in sections 1 and 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1286.

5. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1286.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

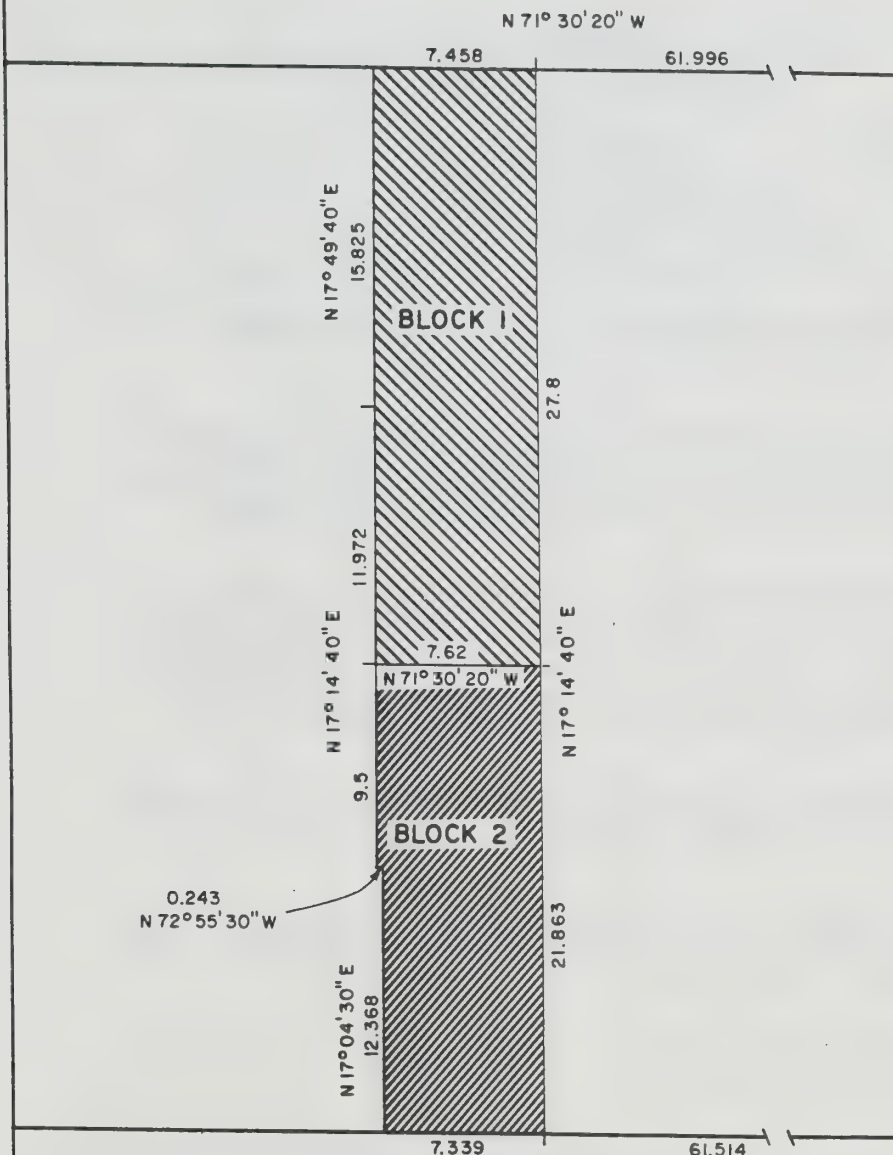
PASSED this day of A.D. 1992.

City Clerk

Mayor

(1992) 16 R.P.D.C. 11, September 29
David K. Lord and Eileen R. Booty, Owners
ZA-92-20

BOLD STREET



CAROLINE STREET SOUTH

WHEELER LANE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-.....
Passed the day of, 1992.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 92-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 92-.....

North



Scale
NOT TO SCALE

Date
OCTOBER 1992

Reference File No.
ZA 92-20

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 91-099

Respecting:

LAND LOCATED AT MUNICIPAL NO. 172 SANFORD AVENUE SOUTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-099 on the 14th day of May 1991 to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "C" District, in respect of the land located at Municipal No. 172 Sanford Avenue South, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board at its hearing held on the 18th day of August 1992 directed that By-law No. 91-099 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 91-099, passed on the 14th day of May 1991, is amended by adding the following thereto:

- (b) notwithstanding Section 18A.(1)(a) of By-law No. 6593, not less than three parking spaces shall be provided and maintained;
- (c) notwithstanding Section 18A.(7) of By-law No. 6593, two of the parking spaces shall have a width of not less than 2.4 metres;
- (d) notwithstanding Section 18A.(7) of By-law No. 6593, two of the parking spaces shall have a length of not less than 5.85 metres;
- (e) notwithstanding Section 18A.(1)(f) of By-law No. 6593, manoeuvring space of not less than 5.85 metres in length shall be provided for one of the parking spaces only.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 1 of this by-law and section 1 of By-law No. 91-099.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1222a.

4. Sheet No. E-23 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1222a.

5. In all other respects, By-law No. 91-099 is hereby confirmed, unchanged.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1991) 5 R.P.D.C. 7, March 26
Ontario Municipal Board Decision,
and Order dated September 18, 1992
John Morrison and Saulis Zemaitis, Owners
ZA-90-41

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Adopt:

Official Plan Amendment No. 118

Respecting:

LANDS KNOWN MUNICIPALLY AS 350 CENTENNIAL PARKWAY NORTH,
LOCATED SOUTH OF THE CANADIAN NATIONAL RAILWAY TRACKS
AND EAST OF CENTENNIAL PARKWAY NORTH,
WITHIN THE LAKELY NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 118 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1992) 17 R.P.D.C. 6, October 13
Landawn Shopping Centres (National)
Limited, Owner
ZA-92-16

Amendment No. 118

to the

City of Hamilton Official Plan

The following text, together with Schedule "B" - Special Policy Areas, attached hereto, constitute Official Plan Amendment No. 118.

Purpose:

The purpose of this Amendment is to delete the lands from Special Policy Area 48 on Schedule "B" - Special Policy Areas and to establish a new "Special Policy Area" to limit the types of Commercial Uses.

Location:

The lands affected by this Amendment are known municipally as 350 Centennial Parkway North, located south of the Canadian National Railway tracks and east of Centennial Parkway North, within the Lakely Neighbourhood.

Basis:

The basis for permitting the proposal, a one-storey commercial/retail complex for limited commercial uses comprising a maximum gross floor area of 12,077m², is as follows:

- 1) It is located on a major arterial road (Centennial Parkway North);
- 2) The proposal is consistent with the existing land use in the surrounding area, including commercial to the south;
- 3) It will improve the overall image of the area and may stimulate the redevelopment of adjacent properties; and,
- 4) It is consistent with the results of the Gateway East Study which proposed several approaches for enhancing the gateway and tourism functions of the Centennial Parkway area.

Actual Changes:

1. Schedule "B" - Special Policy Areas of the Official Plan be revised by:
 - deleting the subject lands from "Special Policy Area 48";
 - deleting "Area 48 refer to Policy A.2.9.3.43", in the legend;
 - establishing "Special Policy Area 64"; and,
 - adding "Area 64 refer to Policy A.2.9.3.59", in the legend,as shown on the attached Schedule "B" of this Amendment;
2. Policy A.2.9.3.43 be deleted in its entirety; and,
3. The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.59:

"Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 64, and known municipally as 350 Centennial Parkway North, only limited commercial uses will be permitted, as provided for by the implementing Zoning By-Law amendment."

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 92- , passed on the day of , 1992.

**The Corporation of the
City of Hamilton**

City Clerk

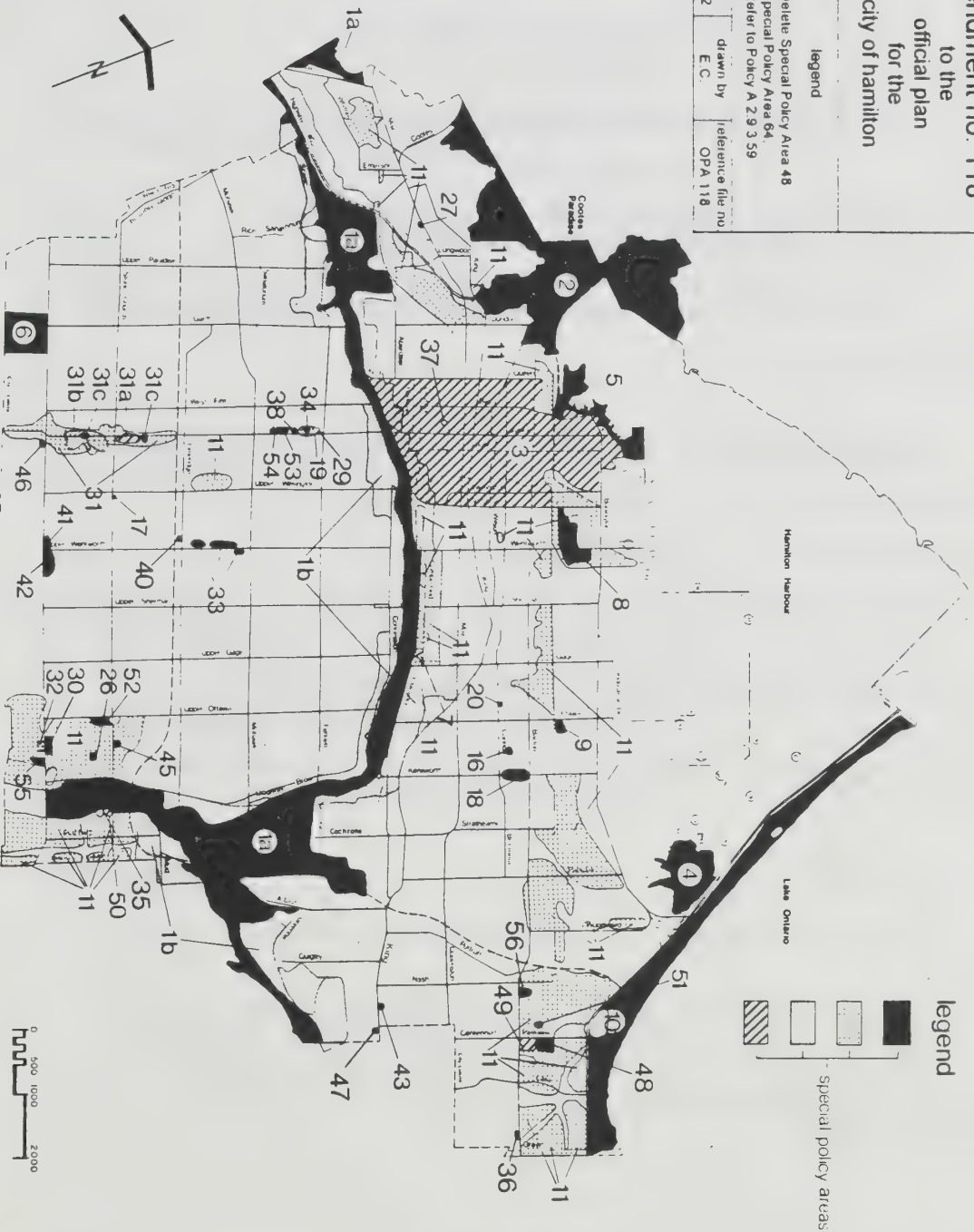
Mayor

schedule B **amendment no. 118**

to the
official plan
for the
city of hamilton

date	drawn by	reference file no
OCT 1992	E.C.	OPA 118

Delete Special Policy Area 48
Special Policy Area 64.
Refer to Policy A 2.9.3.59



special policy areas

AREA	REFER TO POLICY
1(a)	A 2.9.1
1(b)	A 2.9.2
2	A 2.9.3
3	A 2.9.3.1
4	A 2.9.3.2
5	A 2.9.3.3
6	A 2.9.3.4
7	A 2.9.3.5
8	A 2.9.3.6
9	A 2.9.3.7
10	A 2.9.3.8
11	A 2.9.3.9
12	A 2.9.3.10
13	A 2.9.3.11
16	A 2.9.3.12
17	A 2.9.3.13
18	A 2.9.3.14
19	A 2.9.3.15
20	A 2.9.3.16
26	A 2.9.3.17
27	A 2.9.3.18
29	A 2.9.3.19
30	A 2.9.3.20
31	A 2.9.3.21
31(a)	A 2.9.3.22
31(b)	A 2.9.3.23
31(c)	A 2.9.3.24
32	A 2.9.3.25
33	A 2.9.3.26
34	A 2.9.3.27
35	A 2.9.3.28
36	A 2.9.3.29
37	A 2.9.3.30
38	A 2.9.3.31
40	A 2.9.3.32
41	A 2.9.3.33
42	A 2.9.3.34
43	A 2.9.3.35
45	A 2.9.3.36
46	A 2.9.3.37
47	A 2.9.3.38
48	A 2.9.3.39
49	A 2.9.3.40
50	A 2.9.3.41
51	A 2.9.3.42
52	A 2.9.3.43
53	A 2.9.3.44
54	A 2.9.3.45
55	A 2.9.3.46
56	A 2.9.3.47
	A 2.9.3.48
	A 2.9.3.49
	A 2.9.3.50
	A 2.9.3.51

Refer to Schedule B-1 for Special Policy Areas in the Downtown

schedule B
to the official plan
for
the city of Hamilton

91 11 18

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Adopt:

Official Plan Amendment No. 119

Respecting:

**LANDS KNOWN MUNICIPALLY AS 113 CHARLES STREET,
WITHIN THE DURAND NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 119 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1992) 17 R.P.D.C. 5, October 13
John Foss, Owner
ZA-92-10

Amendment No. 119

to the

City of Hamilton Official Plan

The following text, together with Schedule "B-1" - Other Special Policy Areas, attached hereto, constitute Official Plan Amendment No. 119.

Purpose:

The purpose of this Amendment is to establish a "Special Policy Area" for the subject lands to permit limited commercial uses, within the "Residential" designation.

Location:

The lands affected by this Amendment are known municipally as 113 Charles Street, within the Durand Neighbourhood.

Basis:

The basis for allowing limited commercial uses within the "Residential" designation for the subject lands is as follows:

- 1) The limited commercial uses are consistent with the permitted commercial uses for the heritage properties located to the north and south; and,
- 2) The limited commercial uses may enhance the overall image of the area and possibly stimulate the upkeep and redevelopment of other properties.

Actual Changes:

- 1) The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.60:

"In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 65, and known municipally as 113 Charles Street, limited commercial uses will be permitted provided the building height, coverage and setbacks are consistent with the existing development in the area."

2) The following be added to Schedule "B-1" - Other Special Policy Areas:

- Special Policy Area 65; and,
 - "Area 65 refer to Policy A.2.9.3.60", in the legend;
- as shown on the attached Schedule "B-1" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 92- , passed on the day of , 1992.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

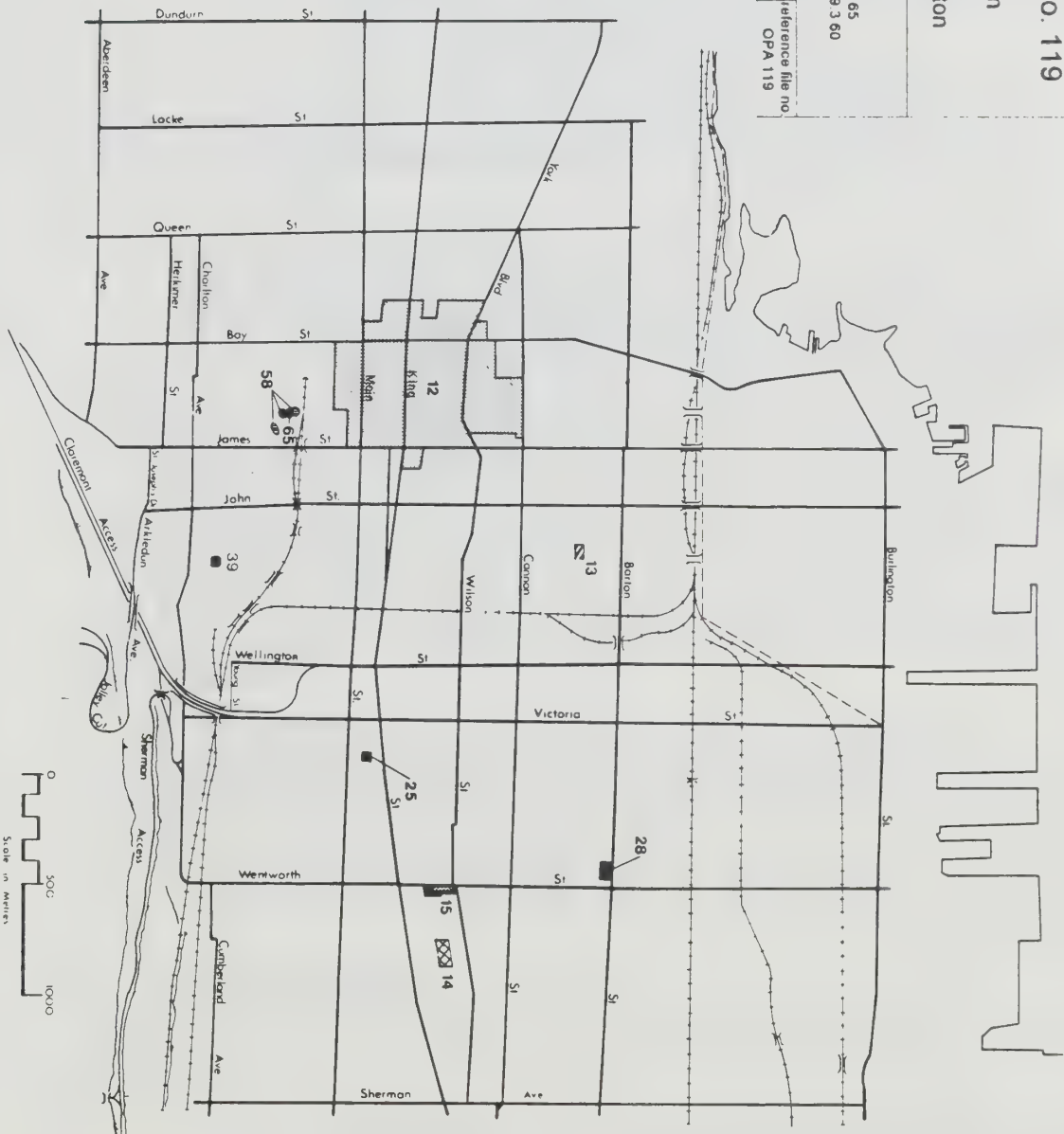
schedule B-1
to the
official plan
for the
city of hamilton

date
Oct 1992

drawn by
Z. K.

reference file no.
OPA 119

Special Policy Area 65
Refer to Policy A 2.9.3.60



other special
policy areas

legend

- 12 refer to policy A 2.9.3.10
- 13 refer to policy A 2.9.3.11
- 14 refer to policy A 2.9.3.12
- 15 refer to policy A 2.9.3.13
- 25 refer to policy A 2.9.3.20
- 28 refer to policy A 2.9.3.23
- 39 refer to policy A 2.9.3.34
- 58 refer to policy A 2.9.3.53

schedule B-1

to the official plan
for
the city of hamilton
October 1992

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 92-211

Respecting:

PART OF LAND LOCATED AT MUNICIPAL NO. 240 RYMAL ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-211 on the 25th day of August 1992 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "DE-3" District, in respect of the lands located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 10 of the 16th Report of the Planning and Development Committee at its meeting held on the 29th day of September 1992, recommended that Zoning By-law No. 6593, as amended by By-law No. 92-211 be further amended by adding part of the property municipally known as 240 Rymal Road East to Block 2 on Schedule "A" to By-law No. 92-211, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-9E and E-18E of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C of Zoning By-law No. 6593, as amended by By-law No. 92-211, applicable to the lands referred to in section 1 are amended to the extent only of the special requirement that,

- (a) Section 10E(2)(a)3. of By-law No. 6593 shall not apply to the land fronting onto Rymal Road East or Upper Wellington Street.

3. Schedule "A" to By-law No. 92-211 is amended by adding part of the property municipally known as 240 Rymal Road East to Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law;

4. In all other respects, By-law No. 92-211 is hereby confirmed, unchanged.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-3" District provisions, subject to the special requirements referred to in section 2 of By-law No. 92-211 and in section 2 of this by-law.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1278a.

7. Sheets No. E-9E and E-18E of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1278a.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor

(1992) 16 R.P.D.C. 10, September 29
The Regional Municipality of
Hamilton-Wentworth, Owner
CI-92-C

RYMAL ROAD EAST

N.W. CORNER OF
LOT 7 - CON. 1

N 71° 13' 50" W

277.269

5.706

17.874

N 26° 34' 40" W
4.097

BLOCK 2

N 18° 04' 30" E

N 18° 04' 30" E

77.435

74.560

2.88

N 71° 07' 50" W

DIVISION LINE BETWEEN LOTS 6 AND 7

LOT 6

LOT 7

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-.....
Passed the day of, 1992.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 92-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:

BLOCK 2



"AA" (Agricultural) District to "DE-3"
(Multiple Dwellings) District, modified.

North



Scale
NOT TO SCALE

Date
OCTOBER, 1992

Reference File No.
C.I. 92-C

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Remove

Land within the "Rymal Square Estates, Phase 2" Subdivision, Plan 62M-715
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part,
as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

All lots and blocks of land within Registered Plan Number 62M-715, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1992.

City Clerk

Mayor

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1992.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 113 CHARLES STREET

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 119, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E-3" (High Density Multiple Dwellings) District provisions, as contained in Section 11C of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 11C(1) of By-law No. 6593, the following commercial uses shall be permitted:

1. professional and medical offices;
2. art gallery;
3. bookstore;
4. opticians' offices;
5. optometrists' establishments; and,
6. photographer's or artist's studio;

(b) notwithstanding Section 11C(1) of By-law No. 6593, the following accessory use to the commercial uses referred to in clause (a), shall be permitted:

1. One business identification sign that is a ground sign, wall sign or projecting sign that complies with all of the following requirements:
 - (i) The area of the sign shall not exceed 0.4 m²;
 - (ii) The sign shall be non-illuminated or illuminated by non-flashing, indirect, or interior means only;
 - (iii) No sign shall be situated less than 1.5 m from the nearest street line;

- (c) notwithstanding Section 11C(1a) of By-law No. 6593, the height of a building or structure shall not exceed two (2) storeys, or 9.1 m (30.0') in height;
- (d) notwithstanding Section 11C(2) of By-law No. 6593, the following yards shall be provided and maintained:
 - 1. a front yard not less than 3.0 m (9.84') in depth;
 - 2. a side yard along each side lot line, not less than 1.2 m (3.94') in width;
 - 3. a rear yard not less than 7.5 m (24.61') in depth;
- (e) notwithstanding Section 18A of By-law No. 6593, no required parking and no non-required parking shall be permitted in the front yard;
- (f) the outside display of goods or wares shall be prohibited for the commercial uses.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-3" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1288.

4. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1288.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

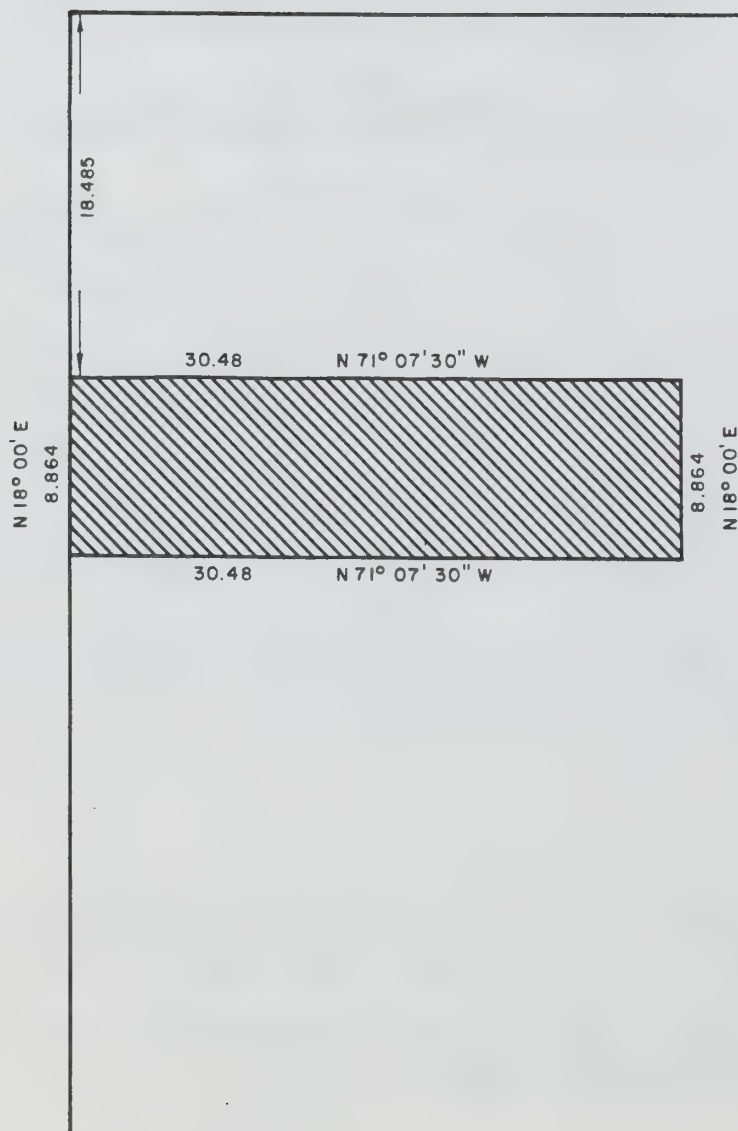
City Clerk

Mayor

(1992) 17 R.P.D.C. 5, October 13
John Foss, Owner
ZA-92-10

HURST PLACE

CHARLES STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-.....
Passed the day of, 1992.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 92-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 92-.....

North



Scale
NOT TO SCALE

Date
OCTOBER 1992

Reference File No.
ZA 92-10

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Amend Zoning By-law No. 6593
and To Repeal Zoning By-law No. 90-29

Respecting:

LAND LOCATED AT MUNICIPAL NO. 350 CENTENNIAL PARKWAY NORTH

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-29 on the 30th day of January 1990 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the lands located south of the C.N. Railway Tracks, east of Centennial Parkway North, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 6 of the 17th Report of the Planning and Development Committee at its meeting held on the 13th day of October 1992, recommended that Zoning By-law No. 6593 be further amended to establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law, and that By-law No. 90-29 be repealed in its entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 118, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 90-29 is repealed in its entirety.
2. Sheets No. E-112 and E-113 of the District Maps, appended to and forming part of By-law No. 6593, are amended,
 - (a) by changing from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District,the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
3. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 2 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A(1) of By-law No. 6593, only the following commercial uses shall be permitted:

1. Gas Bar;
2. Building Supply Store (Lumber Yard);
3. Restaurant;
4. Bank;
5. Lawn and Garden Centre;
6. Retail Store;
7. Wholesale Establishment;
8. Shoe Repair Shop;
9. Barbershop, hairdressing establishment or beauty parlour; and,
10. Signs in accordance with the "HH" District provisions;

- (b) notwithstanding Section 14A of By-law No. 6593, outside storage used in conjunction with a permitted use shall be permitted subject to the following:

1. The outside storage shall be completely screened from external view by a visual barrier not less than 1.5 m and not more than 2.0 m in height.
2. The total area of the outside storage shall not exceed 15% of the total lot area;

- (c) A gross floor area of not more than 12,077 m² (130,000 S.F.) shall be permitted;

- (d) A landscaped strip not less than 3.0 m in width shall be provided and maintained along the lot line adjoining Centennial Parkway North, except for any area used for access driveway(s);

- (e) notwithstanding Section 14A(3)(b) of By-law No. 6593, a side yard not less than 30.0 m in width shall be provided and maintained along the northerly lot line;

- (f) A chain-link fence not less than 1.8 m in height shall be provided and maintained along the northerly property line.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1155a.

6. Sheets No. E-112 and E-113 of the District Maps are amended by marking the lands referred to in section 2 of this by-law, S-1155a.

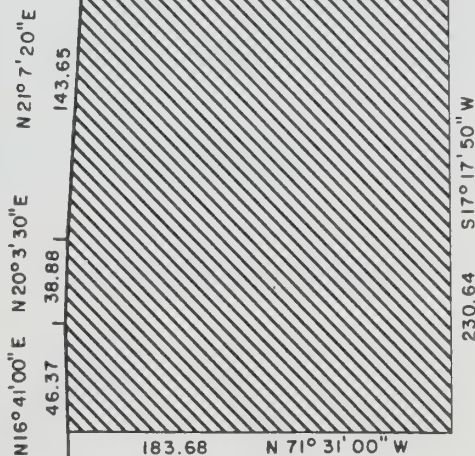
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1992.

City Clerk

Mayor

CENTENNIAL PARKWAY NORTH



CANADIAN NATIONAL RAILWAY

172.69 S 72° 8' 30" E

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-.....
Passed the day of, 1992.

.....
Clerk

.....
Mayor

City of Hamilton
Schedule A

Map Forming Part of
By-Law No. 92-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"KK" (Restricted Heavy Industrial) District
to "HH" (Restricted Community Shopping
and Commercial) District, modified.

North



Scale
NOT TO SCALE

Date
OCTOBER, 1992

Reference File No.
ZA 92-16

Drawn By
Z.K.

BY-LAW NO. 92 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27TH DAY OF OCTOBER A.D., 1992.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27th day of October A.D. 1992

CITY CLERK

MAYOR



ACCO®

ACCOPH

YELLOW	25070	JAUNE
BLACK	25071	NOIR
BLUE	25072	BLEU
RL. BLUE	25073	RL. BLEU
GREY	25074	GRIS
GREEN	25075	VERT
RUST	25078	ROUILLE
EX RED	25079	ROUGE

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25 % DÉCHETS DE
CONSOMMATION

BALANCE OF PRODUCTS
25% RECYCLED

AUTRES PRODUITS:
25 % FIBRES RECYCLÉES

